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THE

SAXONS IN ENGLAND.

A HISTORY OF

THE ENGLISH COMMONWEALTH

TILL THE PERIOD OF

THE NORMAN CONQUEST.

35049

BY

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ETC. ETC. ETC.

"Nobilis et strenua, iuxtaque dotem naturae sagacissima gens Saxonum, ab antiquis etiam scriptoribus memorata."

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TO

THE QUEEN'S MOST EXCELLENT MAJESTY,

THIS HISTORY

OF THE PRINCIPLES WHICH HAVE GIVEN HER EMPIRE

ITS PREEMINENCE

AMONG THE NATIONS OF EUROPE,

IS,

WITH HER GRACIOUS PERMISSION,

INSCRIBED BY

THE MOST HUMBLE AND DEVOTED

OF HER SERVANTS.

PREFACE.

THE following pages contain an account of the principles upon which the public and political life of our Anglosaxon forefathers was based, and of the institutions in which those principles were most clearly manifested. The subject is a grave and solemn one: it is the history of the childhood of our own age,—the explanation of its manhood.

On every side of us thrones totter, and the deep foundations of society are convulsed. Shot and shell sweep the streets of capitals which have long been pointed out as the chosen abodes of order: cavalry and bayonets cannot control populations whose loyalty has become a proverb here, whose peace has been made a reproach to our own miscalled disquiet. Yet the exalted Lady who wields the sceptre of these realms, sits safe upon her throne, and fearless in the holy circle of her domestic happiness, secure in the affections of a people whose institutions have given to them all the blessings of an equal law.

Those institutions they have inherited from a period so distant as to excite our admiration, and have preserved amidst all vicissitudes with an en-

lightened will that must command our gratitude. And with the blessing of the Almighty, they will long continue to preserve them; for our customs are founded upon right and justice, and are maintained in a subjection to His will who hath the hearts of nations as well as of kings in His rule and governance.

It cannot be without advantage for us to learn how a State so favoured as our own has set about the great work of constitution, and solved the problem, of uniting the completest obedience to the law with the greatest amount of individual freedom. But in the long and chequered history of our State, there are many distinguishable periods: some more and some less well known to us. Among those with which we are least familiar is the oldest period. It seems therefore the duty of those whose studies have given them a mastery over its details, to place them as clearly as they can before the eyes of their fellow-citizens.

There have never been wanting men who enjoyed a distinct insight into the value of our earliest constitutional history. From the days of Spelman, and Selden and Twisden, even to our own, this country has seen an unbroken succession of laborious thinkers, who, careless of self-sacrifice, have devoted themselves to record the facts which were to be recovered from the darkness of the past, and to connect them with the progress of our political and municipal laws. But peculiar advantages over these men, to whom this country owes a large debt of gratitude, are now enjoyed by ourselves.

It is only within eight years that the "Ancient Laws and Ecclesiastical Institutes" of the Anglosaxons have been made fully accessible to us[1]: within nine years only, upwards of fourteen hundred documents containing the grants of kings and bishops, the settlements of private persons, the conventions of landlords and tenants, the technical forms of judicial proceedings, have been placed in our hands[2]; and to this last quarter of a century has it been given to attain a mastery never before attained over the language which our Anglosaxon ancestors spoke. To us therefore it more particularly belongs to perform the duty of illustrating that period, whose records are furnished to us so much more abundantly than they were to our predecessors; and it seemed to me that this duty was especially imposed upon him whom circumstances had made most familiar with the charters of the Anglosaxons.

The history of our earliest institutions has come down to us in a fragmentary form: in a similar way

[1] Ancient Laws and Institutes of England; comprising Laws enacted under the Anglosaxon Kings from Æðelbirht to Cnut, with an English translation of the Saxon: the Laws called Edward the Confessor's; the Laws of William the Conqueror, and those ascribed to Henry the First; also Monumenta Ecclesiastica Anglicana, from the seventh to the tenth century: and the ancient Latin version of the Anglosaxon Laws. With a copious Glossary, etc. (By B. Thorpe, Esq.). Printed by command of his late Majesty, King William the Fourth, under the direction of the Commissioners on the Public Records of the Kingdom. MDCCCXL.

[2] Codex Diplomaticus Aevi Saxonici. Opera J. M. Kemble, M.A., vol. i. London, 1839; vol. ii. 1840; vol. iii. 1845; vol. iv. 1846; vol. v. 1847; vol. vi. 1848. Published by authority of the Historical Society of England.

has it here been treated,—in chapters, or rather essays, devoted to each particular principle or group of facts. But throughout these fragments a system is distinctly discernible: accordingly the chapters will be found also to follow a systematic plan.

It is my intention, at a future period, to lay before my countrymen the continuation of this History, embracing the laws of descent and purchase, the law of contracts, the forms of judicial process, the family relations, and the social condition of the Saxons as to agriculture, commerce, art, science and literature. I believe these things to be worthy of investigation, from their bearing upon the times in which we live, much more than from any antiquarian value they may be supposed to possess. We have a share in the past, and the past yet works in us; nor can a patriotic citizen better serve his country than by devoting his energies and his time to record that which is great and glorious in her history, for the admiration and instruction of her neighbours.

J. M. K.

London, December 2nd, 1848.

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THE

SAXONS IN ENGLAND.

BOOK I.

THE ORIGINAL SETTLEMENT OF THE ANGLO-SAXON COMMONWEALTH.

CHAPTER I.

SAXON AND WELSH TRADITIONS.

Eleven centuries ago, an industrious and conscientious historian, desiring to give a record of the establishment of his forefathers in this island, could find no fuller or better account than this: "About the year of Grace 445–446, the British inhabitants of England, deserted by the Roman masters who had enervated while they protected them, and exposed to the ravages of Picts and Scots from the extreme and barbarous portions of the island, called in the assistance of heathen Saxons from the continent of Europe. The strangers faithfully performed their task, and chastised the Northern invaders; then, in scorn of the weakness of their employers, subjected them in turn to the yoke, and after various vicissitudes of fortune, established their own

power upon the ruins of Roman and British civilization." The few details which had reached the historian taught that the strangers were under the guidance of two brothers, Hengest and Hors: that their armament was conveyed in three ships or keels: that it consisted of Jutes, Saxons and Angles: that their successes stimulated similar adventurers among their countrymen: and that in process of time their continued migrations were so large and numerous, as to have reduced Anglia, their original home, to a desert[1].

Such was the tale of the victorious Saxons in the eighth century: at a later period, the vanquished Britons found a melancholy satisfaction in adding details which might brand the career of their conquerors with the stain of disloyalty. According to these hostile authorities, treachery and fraud prepared and consolidated the Saxon triumph. The wiles of Hengest's beautiful daughter[2] subdued the mind of the British ruler; a murderous violation of the rights of hospitality, which cut off the chieftains of the Britons at the very table of their hosts, delivered over the defenceless land to the barbarous invader[3]; and the miraculous intervention of

[1] Beda, Hist. Eccl. i. 14, 15. Gildas, Hist. § 14. Nennius, Hist. § 38.

[2] It is uncertain from the MSS. whether this lady is to be called Rouwen or Ronwen. The usual English tradition gives her name as Rowena; if this be accurate, I presume our pagan forefathers knew something of a divine personage—Hróðwén—possibly a dialectical form of the *great* and *glorious* goddess Hréðe; for whom refer to Chapter X. of this Book.

[3] The story of the treacherous murder perpetrated upon the Welsh chieftains does not claim an English origin. It is related of the Old-saxons upon the continent, in connexion with the conquest of the Thuringians. See Widukind.

Germanus, the spells of Merlin and the prowess of Arthur, or the victorious career of Aurelius Ambrosius, although they delayed and in part avenged, yet could not prevent the downfal of their people[1]. Meagre indeed are the accounts which thus satisfied the most enquiring of our forefathers; yet such as they are, they were received as the undoubted truth, and appealed to in later periods as the earliest authentic record of our race. The acuter criticism of an age less prone to believe, more skilful in the appreciation of evidence, and familiar with the fleeting forms of mythical and epical thought, sees in them only a confused mass of traditions borrowed from the most heterogeneous sources, compacted rudely and with little ingenuity, and in which the smallest possible amount of historical truth is involved in a great deal of fable. Yet the truth which such traditions do nevertheless contain, yields to the alchemy of our days a golden harvest: if we cannot undoubtingly accept the details of such legends, they still point out to us at least the course we must pursue to discover the elements of fact upon which the Mythus and Epos rest, and guide us to the period and the locality where these took root and flourished.

From times beyond the records of history, it is certain that continual changes were taking place in the position and condition of the various tribes that peopled the northern districts of Europe. Into this great basin the successive waves of Keltic, Teutonic

[1] Conf. Nennius, Hist. 37 *seq.* 46 *seq.* Beda, Hist. Ecc. i. 14, 15. Gildas, Hist. § 25.

and Slavonic migrations were poured, and here, through hundreds of years, were probably reproduced convulsions, terminated only by the great outbreak which the Germans call *the wandering of the nations*. For successive generations, the tribes, or even portions of tribes, may have moved from place to place, as the necessities of their circumstances demanded; names may have appeared, and vanished altogether from the scene; wars, seditions, conquests, the rise and fall of states, the solemn formation or dissolution of confederacies, may have filled the ages which intervened between the first settlement of the Teutons in Germany, and their appearance in history as dangerous to the quiet of Rome. The heroic lays[1] may possibly preserve some shadowy traces of these events; but of all the changes in detail we know nothing: we argue only that nations possessing in so preeminent a degree as the Germans, the principles, the arts and institutions of civilization, must have passed through a long apprenticeship of action and suffering, and have learnt in the rough school of practice the wisdom they embodied in their lives.

Possessing no written annals, and trusting to the

[1] The Anglosaxon Traveller's Song contains a multitude of names which cannot be found elsewhere. Paulus Diaconus, and Jornandes have evidently used ancient poems as the foundation of their histories. The lays of the various Germanic cycles still furnish details respecting Hermanaric, Otachar, Theodoric, Hiltibrant and other heroes of this troubled period. But the reader who would judge of the fragmentary and unsatisfactory result of *all* that the ancient world has recorded of the new, had better consult that most remarkable work of Zeuss, Die Deutschen und die Nachbarstämme. Munich, 1837. He will there see how the profoundest science halts after the reality of ancient ages, and strives in vain to reduce their manifold falsehood to a truth.

poet the task of the historian, our forefathers have left but scanty records of their early condition[1]. Nor did the supercilious or unsuspecting ignorance of Italy care to enquire into the mode of life and habits of the barbarians, until their strong arms threatened the civilization and the very existence of the empire itself. Then first, dimly through the twilight in which the sun of Rome was to set for ever, loomed the Colossus of the German race, gigantic, terrible, inexplicable; and the vague attempt to define its awful features came too late to be fully successful. In Tacitus, the city possessed indeed a thinker worthy of the exalted theme; but his sketch, though vigorous beyond expectation, is incomplete in many of the most material points: yet this is the most detailed and fullest account which we possess, and nearly the only certain source of information till we arrive at the moment when the invading tribes in every portion of the empire entered upon their great task of reconstructing society from its foundations. Slowly, from point to point, and from time to time, traces are recognized of powerful struggles, of national movements, of destructive revolutions: but the definite facts which emerge from the darkness of the first three centuries, are rare and fragmentary.

Let us confine our attention to that portion of the race which settled on our own shores.

The testimony of contemporaneous history assures us that about the middle of the fifth century,

[1] "Celebrant carminibus antiquis, quod unum apud illos memoriae et annalium genus est." Tac. Mor. Germ. cap. ii.

a considerable movement took place among the tribes that inhabited the western coasts of Germany and the islands of the Baltic sea. Pressed at home by the incursions of restless neighbours, and the urgency of increasing population, or yielding to the universal spirit of adventure, Angles, Saxons and Frisians crossed a little-known and dangerous ocean to seek new settlements in adjacent lands. Familiar as we are with daring deeds of maritime enterprise, who have seen our flag float over every sea, and flutter in every breeze that sweeps over the surface of the earth, we cannot contemplate without astonishment and admiration, these hardy sailors, swarming on every point, traversing every ocean, sweeping every æstuary and bay, and landing on every shore which promised plunder or a temporary rest from their fatigues. The wealth of Gaul had already attracted fearful visitations, and the spoils of Roman cultivation had been displayed before the wondering borderers of the Elbe and Eyder, the prize of past, and incentive to future activity. Britain, fertile and defenceless, abounding in the accumulations of a long career of peace, deserted by its ancient lords, unaccustomed to arms[1], and accustomed to the yoke,

[1] This is asserted both by Gildas and Nennius, and it is not in itself improbable. The Romans did sometimes attempt to disarm the nations they subdued: thus Probus with the Alamanni. Vopisc. cap. 14. Malmsbury's account of the defenceless state of Britain was probably not exaggerated. He says: "Ita cum tyranni nullum in agris praeter semibarbaros, nullum in urbibus praeter ventri deditos reliquissent, Britannia omni patrocinio iuvenilis vigoris viduata, omni exercitio artium exinanita, conterminarum gentium inhiationi diu obnoxia fuit." Gest. Reg. lib. i. § 2.

at once invited attack and held out the prospect of a rich reward: and it is certain that at that period, there took place some extensive migration of Germans to the shores of England[1]. The expeditions known to tradition as those of Hengest, Ælli, Cissa, Cerdic and Port, may therefore have some foundation in fact; and around this meagre nucleus of truth were grouped the legends which afterwards served to conceal the poverty and eke out the scanty stock of early history. But I do not think it at all probable that this was the earliest period at which the Germans formed settlements in England.

It is natural to believe that for many centuries a considerable and active intercourse had prevailed between the southern and eastern shores of this island, and the western districts of Gaul. The first landing of Julius Caesar was caused or justified by the assurance that his Gallic enemies recruited their armies and repaired their losses, by the aid of their British kinsmen and allies[2]; and the merchants of the coast, who found a market in Britain, reluctantly furnished him with the information upon which the plan of his invasion was founded[3]. When

[1] Prosper Tyro, A.D. 441, says, "Theodosii xviii. Britanniae usque ad hoc tempus variis cladibus eventibusque latae [? lacceratae] in ditionem Saxonum rediguntur." See also Procop. Bel. Got. iv. 20. The former of these passages might however be understood without the assumption of an immigration, which the movements of Attila render probable.

[2] Bell. Gall. iii. 8. 9; iv. 20.

[3] Especially the Veneti: ἕτοιμοι γὰρ ἦσαν κωλύειν τὸν εἰς τὴν βρεττανικὴν πλοῦν, χρώμενοι τῷ ἐμπορίῳ. Strabo, bk. iv. p. 271. Conf. Bell. Gall. iv. 20.

the fortune and the arms of Rome had prevailed over her ill-disciplined antagonists, and both continent and island were subject to the same all-embracing rule, it is highly probable that the ancient bonds were renewed, and that the most familiar intercourse continued to prevail. In the time of Strabo the products of the island, corn, cattle, gold, silver and iron, skins, slaves, and a large description of dog, were exported by the natives, no doubt principally to the neighbouring coasts, and their commerce with these was sufficient to justify the imposition of an export and import duty[1]. As early as the time of Nero, London, though not a colony, was remarkable as a mercantile station[2], and in all human probability was the great mart of the Gauls. There cannot be the least doubt that an active communication was maintained throughout by the Keltic nations on the different sides of the channel; and similarly, as German tribes gradually advanced along the lines of the Elbe, the Weser, the Maes and the Rhine, occupying the countries which lie upon the banks of those rivers, and between them and the sea, it is reasonable to suppose that some offsets of their great migrations reached the opposite shores of England[3]. As early as the second

[1] Book iv. p. 278.

[2] Tacit. Ann. xiv. 33.

[3] Caesar notices the migrations of continental tribes to Britain: he says, "Britanniae pars interior ab iis incolitur, quos natos in insula ipsa memoria proditum dicunt; maritima pars ab iis qui praedae ac belli inferendi causa ex Belgis transierant; qui omnes fere iis nominibus civitatum adpellantur, quibus orti ex civitatibus eo pervenerunt, et bello inlato ibi remanserunt, atque agros colere coeperunt." Bell. Gall. v. 12.

century, Chauci are mentioned among the inhabitants of the south-east of Ireland[1], and although we have only the name whereby to identify them with the great Saxon tribe, yet this deserves consideration when compared with the indisputably Keltic names of the surrounding races. The Coritavi, who occupied the present counties of Lincoln, Leicester, Rutland, Northampton, Nottingham and Derby, were Germans, according to the Welsh tradition itself[2], and the next following name Κατυευχλανοὶ, though not certainly German, bears a strong resemblance to many German formations[3].

Without, however, laying more stress upon these facts than they will fairly warrant, let us proceed to other considerations which render it probable that a large admixture of German tribes was found

[1] Ptolemy, bk. ii. c. 2. It is true that Ptolemy calls them Καῦκοι, but this mode of spelling is not unexampled, and is found in even so correct a writer as Strabo. The proper form is Καύχοι. Latin authors occasionally write Cauci for Chauci, and sometimes even Cauchi: see Zeuss, Die Deutschen und die Nachbarstämme, p. 138. It is right to add that Zeuss, whose opinion on such a point is entitled to the highest consideration, hesitates to include these Καῦκοι among Germanic tribes (p. 199). The Μανάπιοι, placed also by Ptolemy in Ireland, can hardly be Germans.

[2] Ptolemy, bk. ii. c. 3. μεθ' οὓς Κοριτανοὶ, ἐν οἷς πόλεις λίνδον, ῥάγε· εἶτα Κατυευχλανοὶ, ἐν οἷς πόλεις σαλῆναι· [al. σαλιοῦαι.] Οὐρολάνιον. Others have preferred the form Κοριτανοὶ, but the authority of the best manuscripts, not less than the analogy of the names Ingaevones, Iscaevones, Chamavi, Batavi, confirms the earlier reading. According to the Triads, these Coritavi (Corinniadd) had migrated from a Teutonic marshland. Thorpe's Lappenberg, i. 15. The word is thus in all probability derived from Hor, *lutum*, Horiht, *lutosus*; equivalent to the "aquosa Fresonum arva." Vit. Sci. Sturm. Pertz. ii. 372. "Saxones, gentem oceani, in littoribus et paludibus inviis sitam." Oros. vii. 32.

[3] Chatuarii, Headobeardan. Headoræmes. However Catu is a genuine British prefix.

in England long previous to the middle of the fifth century. It appears to me that the presence of Roman emperors recruiting the forces with which the throne of the world was to be disputed, from among the hardiest populations of the continent, must not only have led to the settlement of Teutonic families in this island, but also to the maintenance, on their part, of a steady intercourse with their kinsmen who remained behind. The military colony, moreover, which claimed to be settled upon good arable land, formed the easiest and most advantageous mode of pensioning the *emeriti*; and many a successful Caesar may have felt that his own safety was better secured by portioning his German veterans in the fruitful valleys of England, than by settling them as doubtful garrisons in Lombardy or Campania.

The fertile fields which long before had merited the praises of the first Roman victor, must have offered attractions enough to induce wandering Saxons and Angles to desert the marshes and islands of the Elbe, and to call Frisian adventurers over from the sands and salt-pools of their home. If in the middle of the fifth century Saxons had established regular settlements at Bayeux[1]; if even before this time the country about Grannona bore the name of Littus Saxonicum[2], we may easily be-

[1] Saxones Baiocassini. Greg. Turon. v. 27; x. 9.

[2] *Grannona in littore Saxonico.* Notit. Imp. Occid. c. 86. Du Chesne Hist. i. p. 3. The Tótingas, who have left their name to Tooting in Surrey, are recorded also at Tótingahám in the county of Boulogne. Leo. Rectitud. p. 26.

lieve that at still earlier periods other Saxons had found over the intervening ocean a way less dangerous and tedious than a march through the territories of jealous or hostile neighbours, or even than a coasting voyage along barbarous shores defended by a yet more barbarous population. A north-east wind would, almost without effort of their own, have carried their ships from Hêlgoland and the islands of the Elbe, or from Silt and Romsey[1], to the Wash and the coast of Norfolk. There seems then every probability that bodies more or less numerous, of coast-Germans, perhaps actually of Saxons and Angles, had colonized the eastern shores of England long before the time generally assumed for their advent[2]. The very exigencies of military service had rendered this island familiar to the nations of the continent: Batavi, under their own national chieftains, had earned a share of the Roman glory, and why not of the Roman land, in

[1] Ptolemy calls the islands at the mouth of the Elbe, Σαξόνων νῆσοι τρεῖς. Zeuss considers these to be Föhr, Silt and Nordstrand. Die Deutschen, p. 150. Lappenberg sees in them, North Friesland, Eiderstedt, Nordstrand, Wickingharde and Böcingharde. Thorpe, Lap. i. 87. It seems hardly conceivable that Frisians, who occupied the coast as early as the time of Caesar, should not have found their way by sea to Britain, especially when pressed by Roman power: see Tac. Ann. xiii. 54.

[2] Hengest defeated the Picts and Scots at Stamford in Lincolnshire, not far from the Nene, the Witham and the Welland, upon whose banks it is nearly certain that there were German settlements. Widukind's story of an embassy from the Britons to the Saxons, to entreat aid, is thus rendered not altogether improbable: but then it must be understood of Saxons already established in England, and on the very line of march of the Northern invaders, whom they thus took most effectually in flank. Compare Geoffry's story of Vortigern giving Hengest lands in Lincolnshire, etc.

Britain[1]? The policy of the Emperor Marcus Antoninus, at the successful close of the Marcomannic war, had transplanted to Britain multitudes of Germans, to serve at once as instruments of Roman power and as hostages for their countrymen on the frontier of the empire[2]. The remnants of this once powerful confederation cannot but have left long and lasting traces of their settlement among us; nor can it be considered at all improbable that Carausius, when in the year 287, he raised the standard of revolt in Britain, calculated upon the assistance of the Germans in this country, as well as that of their allies and brethren on the continent[3]. Nineteen

[1] Tac. Hist. iv. 12, about A.D. 69. "Diu Germanicis bellis exerciti; mox aucta per Britanniam gloria, transmissis illuc cohortibus, quas vetere instituto, nobilissimi popularium regebant."

[2] Dio. Cas. lxxi. lxxii. Gibbon, Dec. cap. ix. At a later period, Probus settled Vandals and Burgundians here: Zosimus tells us (Hist. Nov. i. 68): ὅσους δὲ ζῶντας οἷός τε γέγονεν ἑλεῖν, εἰς Βρεττανίαν παρέπεμψεν· οἱ τὴν νῆσον οἰκήσαντες, ἐπαναστάντος κατὰ ταῦτα τινὸς, γεγόνασι βασιλεῖ χρήσιμοι. Procopius even goes so far as to make Belisarius talk of Goths in Britain, but the context itself proves that this deserves very little notice. Bell. Got. ii. 6.

[3] Carausius was a Menapian: but in the third century the inhabitants of the Menapian territory were certainly Teutonic. Aurelius Victor calls him a Batavian: see Gibbon, Dec. cap. xiii. Carausius, and after him Allectus, maintained a German force here: "Omnes enim illos, ut audio, campos atque colles non nisi teterrimorum hostium corpora fusa texerunt. Illa barbara aut imitatione barbariae olim cultu vestis, et prolixo crine rutilantia, tunc vero pulvere et cruore foedata, et in diversos situs tracta, sicuti dolorem vulnerum fuerant secuta, iacuerunt..... Enimvero, Caesar invicte, tanto deorum immortalium tibi est addicta consensu omnium quidem quos adortus fueris hostium, sed praecipue internecio Francorum, ut illi quoque milites vestri, qui per errorem nebulosi, ut paullo ante dixi, maris abiuncti ad oppidum Londiniense pervenerunt, quidquid ex mercenaria illa multitudine barbarorum praelio superfuerat, cum direpta civitate, fugam capessere cogitarent, passim tota urbe confecerint." Eumen. Paneg. Const. cap. 18, 19.

years later the death of Constantius delivered the dignity of Caesar to his son Constantine: he was solemnly elected to that dignity in Britain, and among his supporters was Crocus, or as some read Erocus, an Alamannic king who had accompanied his father from Germany[1]. Still later, under Valentinian, we find an auxiliary force of Alamanni serving with the Roman legions here.

By chronological steps we have now approached the period at which was compiled the celebrated document entituled 'Notitia utriusque imperii'[2]. Even if we place this at the latest admissible date, it is still at least half a century earlier than the earliest date assigned to Hengest. Among the important officers of state mentioned therein as administering the affairs of this island, is the Comes Litoris Saxonici per Britannias; and his government, which extended from near the present site of Ports-

[1] Aurel. Vict. cap. 41. Lappenberg, referring to this fact (Thorpe, i. 47), asks, "May not the name Erocus be a corruption of Ertocus, a Latinization of the old-Saxon Heritogo, *dux*?" I think not; for an Alaman would have been called by a high and not low German name, Herizohho, not Heritogo. I think it much more likely that his name was Chrohho or Hrôca, a *rook*.

[2] Pancirolus would date this important record in A.D. 438. Gibbon, however, refutes him and places it between 395 and 407. Dec. cap. xvii. I am inclined to think even this date inaccurate, and that the Romans did not maintain any such great establishment in Britain, as that herein described, at so late a period. For even Ammianus tells us in 364, "Hoc tempore Picti, Saxonesque et Scotti et Attacotti Britannos aerumnis vexavere continuis," (Hist. xxvi. 4), which is hardly consistent with a flourishing state of the Roman civil and military rule. The actual document we possess may possibly date from 390 or 400, but it refers to the arrangements of an earlier time, and to an organization of Roman power in more palmy days of their dominion.

mouth to Wells in Norfolk[1], was supported by various civil and military establishments, dispersed along the whole sea-board. The term Littus Saxonicum has been explained to mean rather the coast visited by, or exposed to the ravages of, the Saxons, than the coast occupied by them: but against this loose system of philological and historical interpretation I beg emphatically to protest: it seems to have arisen merely from the uncritical spirit in which the Saxon and Welsh traditions have been adopted as ascertained facts, and from the impossibility of reconciling the account of Beda with the natural sense of the entry in the Notitia: but there seems no reason whatever for adopting an exceptional rendering in this case, and as the Littus Saxonicum on the mainland was that district in which members of the Saxon confederacy were settled, the Littus Saxonicum per Britannias unquestionably obtained its name from a similar circumstance[2].

[1] The document itself may be consulted in Graevius, vol. vii. The "littus Saxonicum per Brittannias" extended at least from the Portus Adurni to Branodunum, that is, from the neighbourhood of Portsmouth to Branchester on the Wash. In both these places there were civil or military officers under the orders of the Comes littoris Saxonici.

[2] Professor Leo, of Halle, has called attention to a remarkable resemblance between the names of certain places in Kent, and settlements of the Alamanni upon the Neckar. A few of these, it must be admitted, are striking, but the majority are only such as might be expected to arise from similarities of surface and natural features in any two countries settled by cognate populations, having nearly the same language, religious rites and civil institutions. Even if the fact be admitted in the fullest extent, it is still unnecessary to adopt Dr. Leo's hypothesis, that the coincidence is due to a double migration from the shores of the Elbe. Rectitud. sing. person. pp. 100–104. It has been already

Thus far the object of this rapid sketch has been to show the improbability of our earliest records being anything more than ill-understood and confused traditions, accepted without criticism by our first annalists, and to refute the opinion long entertained by our chroniclers, that the Germanic settlements in England really date from the middle of the fifth century. The results at which we have arrived are far from unimportant; indeed they seem to form the only possible basis upon which we can ground a consistent and intelligible account of the manner of the settlements themselves. And, be it remembered, that the evidence brought forward upon this point are the assertions of indifferent and impartial witnesses; statesmen, soldiers, men of letters and philosophers, who merely recorded events of which they had full means of becoming cognizant, with no object in general save that of stating facts appertaining to the history of their empire. Moreover, the accounts they give are probable in themselves and perfectly consistent with other well-ascertained facts of Roman history. Can the same praise be awarded to our own meagre national traditions, or to the fuller, detailed, but pal-

stated that Constantius was accompanied to Britain by an Alamannic king; and I cannot doubt that under Valentinian, a force of Alamanni served in this country. Ammianus says: "Valentinianus..... in Maciani locum, Bucinobantibus, quae contra Moguntiacum gens est Alamanna, regem Fraomarium ordinavit; quem paullo postea, quoniam recens excursus eundem penitus vastaverat pagum, in Britannos translatum potestate tribuni, Alamannorum praefecerat numero, multitudine, viribusque ea tempestate florenti." Hist. xxix. c. 4. The context renders it impossible that this "numerus Alamannorum" should have been anything but genuine Germans.

pably uncritical assertions of our conquered neighbours? I confess that the more I examine this question, the more completely I am convinced that the received accounts of our migrations, our subsequent fortunes, and ultimate settlement, are devoid of historical truth in every detail.

It strikes the enquirer at once with suspicion when he finds the tales supposed peculiar to his own race and to this island, shared by the Germanic populations of other lands, and with slight changes of locality, or trifling variations of detail, recorded as authentic parts of their history. The readiest belief in fortuitous resemblances and coincidences gives way before a number of instances whose agreement defies all the calculation of chances. Thus, when we find Hengest and Hors approaching the coasts of Kent in three keels, and Ælli effecting a landing in Sussex with the same number, we are reminded of the Gothic tradition which carries a migration of Ostrogoths, Visigoths and Gepidae, also in three vessels, to the mouths of the Vistula, certainly a spot where we do not readily look for that recurrence to a trinal calculation, which so peculiarly characterizes the modes of thought of the Cymri. The murder of the British chieftains by Hengest is told *totidem verbis* by Widukind and others, of the Oldsaxons in Thuringia[1]. Geoffry of Monmouth relates also how Hen-

[1] Widukind in Leibnitz, Rer. Brunsw. i. 73, 74; Repgow, Sachsensp. iii. 44, § 2. It is amusing enough to see how the number of ships increases as people began to feel the absurdity of bringing over conquering armies in such very small flotillas.

gest obtained from the Britons as much land as could be enclosed by an ox-hide; then, cutting the hide into thongs, enclosed a much larger space than the grantors intended, on which he erected Thong castle [1]—a tale too familiar to need illustration, and which runs throughout the mythus of many nations. Among the Oldsaxons the tradition is in reality the same, though recorded with a slight variety of detail. In their story, a lapfull of earth is purchased at a dear rate from a Thuringian; the companions of the Saxon jeer him for his imprudent bargain; but he sows the purchased earth over a large space of ground, which he claims and, by the aid of his comrades, ultimately wrests from the Thuringians [2].

To the traditional history of the tribes peculiarly belong the genealogies of their kings, to which it will be necessary to refer hereafter in a mythological point of view. For the present it is enough that I call attention to the extraordinary tale of Offa, who occurs at an early stage of the Mercian table, among the progenitors of the Mercian kings. This story, as we find it in Matthew Paris's detailed account [3], coincides in the minutest particulars with a

[1] Galf. Monum. H. Brit. vi. 11. Thong castle probably gave a turn to the story here which the Oldsaxon legend had not. The classical tale of Dido and Byrsa is well known to every schoolboy: Ragnor Lodbrog adopted the same artifice. Rag. Lodb. Saga. cap. 19, 20: nay the Hindoos declare that we obtained possession of Calcutta by similar means.

[2] Widuk. *in loc. citat.*, also Grimm's Deutsche Sagen, No. 547, 369, and Deutsche Rechtsalt. p. 90, where several valuable examples are cited: it is remarkable how many of these are Thuringian.

[3] Vit. Offae Primi, edited by Watts.

tale told by Saxo Grammaticus of a Danish prince bearing the same name[1].

The form itself in which details, which profess to be authentic, have been preserved, ought to secure us from falling into error. They are romantic, not historical; and the romance has salient and characteristic points, not very reconcilable with the variety which marks the authentic records of fact. For example, the details of a long and doubtful struggle between the Saxons and the Britons are obviously based upon no solid foundation; the dates and the events are alike traditional,—the usual and melancholy consolation of the vanquished. In proportion as we desert the older and apply to later sources of information, do we meet with successful wars, triumphant British chieftains, vanquished Saxons, heroes endowed with supernatural powers and blessed with supernatural luck. Gildas, Nennius and Beda mention but a few contests; and even these of a doubtful and suspicious character; Geoffry of Monmouth and gossipers of his class on the contrary, are full of wondrous incidents by flood and field, of details calculated to flatter the pride or console the sorrow of Keltic auditors: the successes which those who lived in or near the times described, either pass over in modest silence or vaguely insinuate under sweeping generalities, are impudently related by this fabler and his copyists with every richness of narration. According to him the invaders are defeated in every part of the

[1] Saxo Gramm. bk. iv. p. 59 *seq.*

island, nay even expelled from it; army after army is destroyed, chieftain after chieftain slain; till he winds up his enormous tissue of fabrications with the defeat, the capture and execution of a hero whose very existence becomes problematical when tested by the severe principles of historical criticism, and who, according to the strict theory of our times, can hardly be otherwise than enrolled among the gods, through a godlike or half-godlike form[1].

It is no doubt probable that the whole land was not subdued without some pains in different quarters; that here and there a courageous leader or a favourable position may have enabled the aborigines to obtain even temporary successes over the invaders: the new immigrants were not likely to find land vacant for their occupation among their kinsmen who had long been settled here, though well-assured of their co-operation in any

[1] Woden in the *gentile* form of a horse, Hengest, *equus admissarius*, the brother of Hors, and father of a line in which names of horses form a distinguishing part of the royal appellatives. It is hardly necessary to remind the classical reader of Poseidon in his favourite shape, the shape in which he contended with Athene and mingled with Ceres. In these remarks on Geoffry and his sources, I do not mean to deny the obligation under which the reader of romance has been laid by him; only to reject everything like historical authority. It is from the countrymen of Geoffry that we have also gained the marvellous superstructure of imagination which has supplied the tales of that time, "when Charlemagne with all his peerage fell by Fontarabia," and which is recognised by history in the very short entry, "In quo proelio Eggihardus regiae mensae praepositus, Auselmus comes palatii, et Hruodlandus, Brittanici limitis praefectus, cum aliis compluribus interficiuntur." Einhart. vit. Karol. § 9. Pertz, ii. 448. Let us be grateful for the Orlando Innamorato and Furioso, but not make history of them.

attempt to wrest new settlements from the British. But no authentic record remains of the slow and gradual progress that would have attended the conquest of a brave and united people, nor is any such consistent with the accounts the British authors have left of the disorganized and disarmed condition of the population. A skirmish, carried on by very small numbers on either side, seems generally to have decided the fate of a campaign. Steadily from east to west, from south to north, the sharp axes and long swords of the Teutons hewed their way: wherever opposition was offered, it ended in the retreat of the aborigines to the mountains,—fortresses whence it was impossible to dislodge them, and from which they sometimes descended to attempt a hopeless effort for the liberty of their country or revenge upon their oppressors. The ruder or more generous of their number may have preferred exile and the chances of emigration to subjection at home[1]; but the mass of the people, accustomed to Roman rule or the oppression of native princes[2], probably suffered little by a change of masters, and did little to avoid it. At even a later period an indignant bard could pour out his patriotic reproaches upon the Loegrians who had

[1] Many beyond a doubt found a refuge in Brittany among their brethren and co-religionists who had long been settled there. Conf. Ermold. Nigel. bk. iii. v. 11. in Pertz, ii. 490. The Cumbrians and Welsh had probably been as little subdued by the Romans as they were by the Saxons.

[2] Gildas does not spare the native princes: see Epist. quaerul. *passim*; and when every excuse has been made for the exaggerations of an honest zeal, we must believe the condition of the people to have been bad in the extreme.

condescended to become Saxons. We learn that at first the condition of the British under the German rule was fair and easy, and only rendered harsher in punishment of their unsuccessful attempts at rebellion[1]; and the laws of Ini, a Westsaxon king, show that in the territories subject to his rule, and bordering upon the yet British lands, the Welshman occupied the place of a *perioecian* rather than a *hélote*[2]. Nothing in fact is more common, or less true, than the exaggerated account of total exterminations and miserable oppressions, in the traditional literature of conquered nations; and we may very safely appeal even to the personal appearance of the peasantry in many parts of England, as evidence how much Keltic blood was permitted to subsist and even to mingle with that of the ruling Germans; while the signatures to very early charters supply us with names assuredly not Teutonic, and therefore probably borne by persons of Keltic race, occupying positions of dignity at the courts of Anglosaxon kings[3].

[1] "Quorum illi qui Northwallos, id est Aquilonales Britones dicebantur, parti Westsaxonum regum obvenerant. Illi quondam consuetis servitiis seduli, diu nil asperum retulere, sed tunc rebellionem meditantes, Kentuuinus rex tam anxia caede perdomuit, ut nihil ulterius sperarent. Quare et ultima malorum accessit captivis tributaria functio; ut qui antea nec solam umbram palpabant libertatis, nunc iugum subiectionis palam ingemiscerent." Malmsb. vit. Aldh. Ang. Sac. ii. 14.

[2] Leg. Ini, § 32, 33.

[3] See a tract of the author's in the Proceedings of the Archaeological Institute, 1845, on Anglosaxon names. From some very interesting papers read by the Rev. R. Garnett before the Philological Society in 1843, 1844, we learn that a considerable proportion of the words which denote the daily processes of agriculture, domestic life, and generally indoor and outdoor service, are borrowed by us from the Keltic.

From what has preceded it will be inferred that I look upon the genuine details of the German conquests in England as irrevocably lost to us. So extraordinary a success as the conquest of this island by bands of bold adventurers from the continent, whose cognate tribes had already come into fatal collision with not only the Gallic provincials, but even the levies of the city itself[1], could hardly have passed unnoticed by the historians of the empire: we have seen however that only Prosper Tyro and Procopius notice this great event, and that too in terms which by no means necessarily imply

Philolog. Trans. i. 171, *seq.* The amount of Keltic words yet current in English may of course be accounted for in part, without the hypothesis of an actual incorporation; but many have unquestionably been borrowed, and serve to show that a strong Keltic element was permitted to remain and influence the Saxon. That it did so especially in local names is not of much importance, as it may be doubted whether conquest ever succeeded in changing these entirely, in any country.

[1] I borrow from Hermann Müller's instructive work, Der Lex Salica und der Lex Angliorum et Werinorum Alter und Heimat, p. 269, the following chronological notices of the Franks in their relations to the Roman empire:—

A.D. 250. Franks, the inhabitants of marshes, become known by their predatory excursions.
280. Franks, transplanted to Asia, return.
287. Franks occupy Batavia; are expelled.
291. Franks in the Gallic provinces.
306. Constantine chastises the Franks. They enjoy consideration in the service of Rome.
340. Wars and treaties with the Franks.
356. Julian treats with the Franks on the lower Rhine.
358. He treats with Franks in Toxandria.
359. Salic Franks in Batavia.
395. Stilicho treats with the Franks.
408. The Vandals invading Gaul are defeated by the Franks.
414. War with the Franks.
416. The Franks possess the Rhine-land.
437. Chlojo bursts into Gaul and takes Cambray.

a state of things consistent with the received accounts. The former only says indefinitely, that *about* 441, Britain was finally reduced under the Saxon power; while Procopius clearly shows how very imperfect, indeed fabulous, an account he had received[1]. Could we trust the accuracy and critical spirit of this writer, whom no less a man than Gibbon has condescended to call the gravest historian of his time, we might indeed imagine that we had recovered one fact of our earliest history, which brought with it all the attractions of romance. An Angle princess had been betrothed to Radigér, prince of the Varni, a Teutonic tribe whose seats are subsequently described to have been about the shores of the Northern Ocean and upon the Rhine, by which alone they were separated from the Franks[2]. Tempted however partly by motives of policy, partly perhaps by maxims of heathendom, he deserted his promised bride and offered his hand to Theodechild, the widow of his father, and sister of the Austrasian Theodberht[3]. Like the epic heroine Brynhildr, the deserted lady was not disposed

[1] Procop. Bel. Got. iv. 20.

[2] Οὔαρνοι μὲν ὑπὲρ Ἴστρον ποταμὸν ἵδρυνται, διήκουσι δὲ ἄχρι τε ἐς Ὠκεανὸν τὸν ἀρκτῷον καὶ ποταμὸν Ῥῆνον, ὅσπερ αὐτούς τε διορίζει καὶ Φράγγους καὶ τἆλλα ἔθνη, ἃ ταύτῃ ἵδρυνται· οὗτοι ἅπαντες, ὅσοι τὸ παλαιον ἀμφὶ Ῥῆνον ἑκατέρωθεν ποταμὸν ᾤκηντο, ἰδίου μέν τινος ὀνόματος ἕκαστοι μετελάγχανον.....ἐπὶ κοινῆς δὲ Γερμανοὶ ἐκαλοῦντο ἅπαντες...Οὔαρνοι δὲ καὶ Φράγγοι τουτὶ μόνον τοῦ Ῥήνου τὸ ὕδωρ μεταξὺ ἔχουσιν. Bel. Got. iv. 20.

[3] Procopius tells us that this was done by the dying father's advice, and in consonance with the law of the people. Ῥαδίγερ δὲ ὁ παῖς ξυνοικιζέσθω τῇ μητρυιᾷ τὸ λοιπὸν τῇ αὐτοῦ, καθάπερ ὁ πάτριος ἡμῖν ἐφίησι νόμος. Ibid. Conf. Bed. H. E. ii. 5.

to pass over the affront thus offered to her charms. With an immense armament she sailed for the mouth of the Rhine. A victory placed the faithless bridegroom a prisoner in her power. But desire of revenge gave place to softer emotions, and the triumphant princess was content to dismiss her rival and compel her repentant suitor to perform his engagement.

To deny all historical foundation to this tale would perhaps be carrying scepticism to an unreasonable extent. Yet the most superficial examination proves that in all its details, at least, it is devoid of accuracy. The period during which the events described must be placed[1], is between the years 534 and 547; and it is very certain that the Varni were not settled at that time where Procopius has placed them[2]: on that locality we can only look for Saxons. It is hardly necessary to say that a fleet of four hundred ships, and an army of one hundred thousand Angles, led by a woman, are not data upon which we could implicitly rely in calculating either the political or military power of any English principality at the commencement of the sixth century; or that ships capable of carrying two hundred and fifty men each, had hardly been launched at that time from any port in England. Still I am not altogether disposed to deny the pos-

[1] The years 531 and 547 are the extreme terms of Theodberht's reign. See Gib. Dec. bk. 38.

[2] This fact, which has escaped the accurate, and generally merciless, criticism of Gibbon, is very clearly proved by Zeuss, Die Deutschen, etc. pp. 361, 362.

sibility of predatory expeditions from the more settled parts of the island, adjoining the eastern coasts. Gregory of Tours tells us that about the same time as that assigned to this Angle expedition, Theodoric the Frank, assisted by Sueves, Saxons and even Bavarians, cruelly devastated the territory of the Thuringians; and although it would be far more natural to seek these Saxons in their old settlements upon the continent, we have the authority of Ruodolf or Meginhart, that they were in fact inhabitants of this island[1].

But if such difficulties exist in dealing with the events of periods which are within the ascertained limits of our chronological system, and which have received the illustration of contemporary history, what shall we say of those whereof the time, nay

[1] The passage is sufficiently important to deserve transcription at length. "Saxonum gens, sicut tradit antiquitas, ab Anglis Britanniae incolis egressa, per Oceanum navigans Germaniae litoribus studio et necessitate quaerendarum sedium appulsa est, in loco qui vocatur Haduloha, eo tempore quo Thiotricus rex Francorum contra Irminfridum, generum suum, ducem Thuringorum, dimicans, terram eorum ferro vastavit et igni. Et cum iam duobus proeliis ancipiti pugna incertaque victoria miserabili suorum caede decertassent, Thiotricus spe vincendi frustratus, misit legatos ad Saxones, quorum dux erat Hadugoto. Audivit enim causam adventus eorum, promissisque pro victoria habitandi sedibus, conduxit eos in adiutorium; quibus secum quasi iam pro libertate et patria fortiter dimicantibus, superavit adversarios, vastatisque indigenis et ad internitionem pene deletis, terram eorum iuxta pollicitationem victoribus delegavit. Qui eam sorte dividentes, cum multi ex eis in bello cecidissent, et pro raritate eorum tota ab eis occupari non potuit, partem illius, et eam quam maxime quae respicit orientem, colonis tradebant, singuli pro sorte sua, sub tributo exercendam. Caetera vero loca ipsi possiderunt." Transl. Sci. Alexand. Pertz, ii. 674. This was written about 863. Possibly some ancient and now lost epic had recorded the wars of the Saxon Heaðogeát.

even the locality is unknown? What account shall we render of those occurrences, which exist for us only in the confused forms given to them by successive ages; some, mischievously determined to reduce the abnormal to rule, the extraordinary to order, as measured by their narrow scheme of analogy? Is it not obvious that to seek for historic truth in such traditions, is to be guilty of violating every principle of historic logic?. Such was the course pursued by our early chroniclers, but it is not one that we can be justified in repeating. In their view no doubt, the annals of the several Saxon kingdoms did supply points of definite information; but we are now able to take the measure of their credulity, and to apply severer canons of criticism to the facts themselves which they believed and recorded. If it was the tendency and duty of their age to deliver to us the history that they found, it is the tendency and duty of ours to enquire upon what foundation that history rests, and what amount of authority it may justly claim.

The little that Beda could collect at the beginning of the eighth century, formed the basis of all the subsequent reports. Though not entirely free from the prejudices of his time, and yielding ready faith to tales which his frame of mind disposed him willingly to credit, he seems to have bestowed some pains upon the investigation and critical apprcciation of the materials he collected. But the limits of the object he had proposed to himself, viz. the ecclesiastical history of the island, not only imposed upon him the necessity of commencing his detailed

narrative at a comparatively late period[1], but led him to reject much that may have been well known to him, of our secular history. The deeds of pagan and barbarous chieftains offered little to attract his attention or command his sympathies; indeed were little likely to be objects of interest to those from whom his own information was generally derived. Beda's account, copied and recopied both at home and abroad, was swelled by a few vague data from the regnal annals of the kings; these were probably increased by a few traditions, ill understood and ill applied, which belonged exclusively to the epical or mythological cycles of our own several tribes and races, and the cognate families of the continent; and finally the whole was elaborated into a mass of inconsistent fables, on the admission of Cymric or Armorican tales by Norman writers, who for the most part felt as little interest in the fate of the Briton as the Saxon, and were as little able to appreciate the genuine history of the one as of the other race. Thus Wóden, Bældæg, Geát, Scyld, Sceáf and Beówa gradually found their way into the royal genealogies; one by one, Brutus, Aurelius Ambrosius, Uther Pendragon and Arthur, Hengest, Hors and Vortigern, all became numbered among historical personages; and from heroes of respective epic poems sunk down into kings and

[1] Beda attempts to give some account of the early state of Britain previous to the arrival of Augustine; a few quotations from Solinus, Gildas, and a legendary life of St. Germanus, comprise however nearly the whole of his collections. Either he could find no more information, or he did not think it worthy of belief. He even speaks doubtfully of the tale of Hengest. Hist. Eccl. i. 15.

warriors, who lived and fought and died upon the soil of England.

We are ignorant what *fasti* or mode even of reckoning the revolutions of seasons prevailed in England, previous to the introduction of Christianity. We know not how any event before the year 600 was recorded, or to what period the memory of man extended. There may have been rare annals: there may have been poems: if such there were they have perished, and have left no trace behind, unless we are to attribute to them such scanty notices as the Saxon chronicle adds to Beda's account. From such sources however little could have been gained of accurate information either as to the real internal state, the domestic progress, or development of a people. The dry, bare entries of the chronicles in historical periods may supply the means of judging what sort of annals were likely to exist before the general introduction of the Roman alphabet and parchment, while, in all probability, runes supplied the place of letters, and stones, or the *beech*-wood from which their name is derived, of *books*. Again, the traditions embodied in the epic, are pre-eminently those of kings and princes: they are heroical, devoted to celebrate the divine or half-divine founders of a race, the fortunes of their warlike descendants, the manners and mode of life of military adventurers, not the obscure progress, household peace and orderly habits of the humble husbandman. They are full of feasts and fighting, shining arms and golden goblets: the gods mingle among men almost their

equals, share in the same pursuits, are animated by the same passions of love, and jealousy and hatred; or, blending the divine with the mortal nature, become the founders of races, kingly because derived from divinity itself. But one race knows little of another or its traditions, and cares as little for them. Alliances or wars alone bring them in contact with one another; and the terms of intercourse between the races will for the most part determine the character under which foreign heroes shall be admitted into the national epos, or whether they shall be admitted at all. All history then, which is founded in any degree upon epical tradition (and national history is usually more or less so founded) must be to that extent imperfect, if not inaccurate; only when corrected by the written references of contemporaneous authors, can we assign any certainty to its records[1].

Let us apply these observations to the early events of Saxon history: of Kent indeed we have the vague and uncertain notices which I have mentioned: even more vague and uncertain are those of Sussex and Wessex. Of the former, we learn that in the year 477, Ælli with three sons, Cymen, Wlencing and Cissa, landed in Sussex; that in the year 485 they defeated the Welsh, and that in 491 they destroyed the population of Anderida[2]. Not another word is there about Sussex, before the ar-

[1] The Homeric poems and those of the Edda are obvious examples: but nothing can be more instructive than the *history* which Livy and Saxo Grammaticus have woven out of similar materials.

[2] Sax. Chron. under the respective dates.

rival of Augustine, except a late assertion of the military pre-eminence of Ælli among the Saxon chieftains. The events of Wessex are somewhat better detailed; we learn that in 495 two nobles, Cerdic and Cyneric, came to England, and landed at Cerdices ora, where on the same day they fought a battle: that in 501 they were followed by a noble named Port, who with his two sons Bieda and Mægla made a forcible landing at Portsmouth: and that in 508 they gained a great battle over a British king, whom they slew together with five thousand of his people. In 514 Stuff and Wihtgár, their nephews, brought them a reinforcement of three ships; in 519 they again defeated the Britons, and established the kingdom of Wessex. In 527 a new victory is recorded: in 530, the Isle of Wight was subdued and given to Wihtgár; and in 534, Cerdic died, and was succeeded by Cyneric, who reigned twenty-six years[1]. In 544 Wihtgár died. A victory of Cyneric in 552 and 556, and Ceawlin's accession to the throne of Wessex are next recorded. Wars of the Westsaxon kings are noted in 568, 571, 577, 584. From 590 to 595 a king of that race named Ceól is mentioned: in 591 we learn the expulsion of Ceawlin from power: in 593 the deaths of Ceawlin, Cwichelm and Crida are mentioned, and in 597, the year of Augustine's arrival, we learn that Ceólwulf ascended the throne of Wessex.

Meagre as these details are, they far exceed what

[1] Cerdic and Cyneric landed in 495, after forty years Cerdic dies, and Cyneric reigns twenty-six more!

is related of Northumberland, Essex, or East-anglia. In 547 we are told that Ida began to reign in the first of these kingdoms; and that he was succeeded in 560 by Ælli: that after a reign of *thirty* years[1], he died in 588 and was succeeded by Æðelríc, who again in 593 was succeeded by Æðelfrið. This is all we learn of Northumbria; of Mercia, Essex, Eastanglia, and the innumerable kingdoms that must have been comprised under these general appellations, we hear not a single word.

If this be all that we can now recover of events, a great number of which must have fallen within the lives of those to whom Augustine preached, what credit shall we give to the inconsistent accounts of earlier actions? How shall we supply the almost total want of information respecting the first settlements? What explanation have we to give of the alliance between Jutes, Angles and Saxons which preceded the invasions of England? What knowledge will these records supply of the real number and quality of the chieftains, the language and blood of the populations who gradually spread themselves from the Atlantic to the Frith of Forth; of the remains of Roman cultivation, or the amount of British power with which they had to contend? of the vicissitudes of good and evil fortune which visited the independent principalities, before they were swallowed up in the kingdoms of

[1] The chronology is inconsistent throughout, and it is inconceivable that it should have been otherwise. Beda himself assigns different dates to the arrival of the Saxons, though it is the æra from which he frequently reckons.

the heptarchy, or the extent of the influence which they retained after that event? On all these several points we are left entirely in the dark; and yet these are facts which it most imports us to know, if we would comprehend the growth of a society which endured for at least seven hundred years in England, and formed the foundation of that in which we live.

Lappenberg has devoted several pages of his elaborate history[1] to an investigation of the Kentish legends, with a view to demonstrate their traditional, that is unhistorical, character. He has shown that the best authorities are inconsistent with one another and with themselves, in assigning the period of Hengest's arrival in England. Carefully comparing the dates of the leading events, as given from the soundest sources, he has proved beyond a doubt, that all these periods are calculated upon a mythical number 8, whose multiples recur in every year assigned. Thus the periods of twenty-four, sixteen, eight and particularly forty years meet us at every turn; and a somewhat similar tendency may, I think, be observed in the earlier dates of Westsaxon history cited in a preceding page. It is also very probable that the early genealogies of the various Anglosaxon kings were arranged in series of eight names, including always the great name of Wóden[2].

The result of all these enquiries is, to guard

[1] Thorpe's Lappenb. i. 78 *seq.*

[2] Beówulf, ii. Postscript to the Preface, xxvii.

against plausible details which can only mislead us. If we endeavour to destroy the credit of traditions which have long existed, it is only to put something in their place, inconsistent with them, but of more value: to reduce them to what they really are, lest their authority should render the truth more obscure, and its pursuit more difficult than is necessary; but to use them wherever they seem capable of guiding our researches, and are not irreconcileable with our other conclusions.

Far less in the fabulous records adopted by historians, than in the divisions of the land itself, according to the populations that occupied it, and the rank of their several members, must the truth be sought. The names of the tribes and families have survived in the localities where they settled, while their peculiar forms of customary law have become as it were melted together into one general system; and the national legends which each of them most probably possessed, have either perished altogether, or are now to be traced only in proper names which fill up the genealogies of the royal families[1]. To these local names I shall return

[1] Geát, the eponymus of a race, Geátas, is found in the common genealogy previous to Wóden; his legend is alluded to in the Codex Exoniensis, pp. 377, 378, together with those of Đeódric, Wéland and Eormanric. Witta in the Kentish line is found in the Traveller's Song, l. 43. Offa in the Mercian genealogy occurs in the same poem, l. 69, in the fine epos of Beówulf, and in Saxo Grammaticus. Fin the son of Folcwalda is one of the heroes of Beówulf. Scyld, Sceáf and Beówa are found in the same poem, etc. These facts render it probable that many other, if not all the names in the genealogies were equally derived from the peculiar national or gentile legends, although the epic poems in which they were celebrated being now lost, we are unable to point to them as we have done to others.

hereafter; they will furnish a strong confirmation of what has been advanced in this chapter as to the probability of an early and wide dispersion of Teutonic settlers in Britain.

CHAPTER II.

THE MARK.

ALL that we learn of the original principles of settlement, prevalent either in England or on the continent of Europe, among the nations of Germanic blood, rests upon two main foundations; first, the possession of land; second, the distinction of rank; and the public law of every Teutonic tribe implies the dependence of one upon the other principle, to a greater or less extent. Even as he who is not free can, at first, hold no land within the limits of the community, so is he who holds no land therein, not fully free, whatever his personal rank or character may be. Thus far the Teutonic settler differs but little from the ancient Spartiate or the comrade of Romulus.

The particular considerations which arise from the contemplation of these principles in their progressive development, will find their place in the several chapters of this Book: it deals with land held in community, and severalty; with the nature and accidents of tenure; with the distinction and privileges of the various classes of citizens, the free, the noble and the serf; and with the institutions by which a mutual guarantee of life, honour and peaceful possession was attempted to be secured among

the Anglosaxons. These are the *incunabula*, first principles and rudiments of the English law[1]; and in these it approaches, and assimilates to, the system which the German conquerors introduced into every state which they founded upon the ruins of the Roman power.

As land may be held by many men in common, or by several households, under settled conditions, it is expedient to examine separately the nature and character of these tenures: and first to enquire into the forms of possession in common; for upon this depends the political being of the state, its constitutional law, and its relative position towards other states. Among the Anglosaxons land so held in common was designated by the names Mark, and Gâ or Shire.

The smallest and simplest of these common divisions is that which we technically call a Mark or March (mearc); a word less frequent in the Anglosaxon than the German muniments, only because the system founded upon what it represents yielded in England earlier than in Germany to extraneous influences. This is the first general division, the next in order to the private estates or alods of the Markmen: as its name denotes, it is something marked out or defined, having settled boundaries; something serving as a sign to others, and distinguished by signs. It is the plot of land on which a greater or lesser number of free men have settled for purposes of cultivation, and for the sake of mutual profit and protection; and it comprises a

[1] "Incunabula et rudimenta virtutis." Cic. de Off.

portion both of arable land and pasture, in proportion to the numbers that enjoy its produce[1].

However far we may pursue our researches into the early records of our forefathers, we cannot discover a period at which this organization was unknown. Whatever may have been the original condition of the German tribes, tradition and history alike represent them to us as living partly by agriculture, partly by the pasturing of cattle[2]. They had long emerged from the state of wandering herdsmen, hunters or fishers, when they first attracted the notice, and disputed or repelled the power, of Rome. The peculiar tendencies of various tribes may have introduced peculiar modes of placing or constructing their habitations; but of no German population is it stated, that they dwelt in tents like the Arab, in waggons like the Scythian, or in earth-dug caverns like the troglodytes of Wallachia: the same authority that tells of some who lived alone as the hill-side or the fresh spring pleased them[3], notices the villages, the houses and even the fortresses, of others.

[1] "Agri pro numero cultorum, ab universis per vices occupantur, quos mox inter se secundum dignationem partiuntur; facilitatem partiendi camporum spatia praestant." Tac. Germ. 26.

[2] "Sola terrae seges imperatur," they raise corn, but not fruits or vegetables. Tac. Germ. 26. "Frumenti modum dominus, aut pecoris, aut vestis, ut colono, iniungit; et servus hactenus paret." Ibid. 25. Hordeum, and frumentum. Ibid. 23.

[3] "Colunt discreti ac diversi, ut fons, ut campus, ut nemus placuit. Vicos locant, non in nostrum morem, connexis et cohaerentibus aedificiis; suam quisque domum spatio circumdat." Tac. Germ. 16. When Tacitus speaks of caverns dug in the earth, it is as granaries (which may to this day be seen in Hungary) or as places of refuge from sudden invasion.

Without commerce, means of extended communication, or peaceful neighbours, the Germans cannot have cultivated their fields for the service of strangers: they must have been consumers, as they certainly were raisers, of bread-corn; early documents of the Anglosaxons prove that considerable quantities of wheat were devoted to this purpose. Even the serfs and domestic servants were entitled to an allowance of bread, in addition to the supply of flesh[1]; and the large quantities of ale and beer which we find enumerated among the dues payable from the land, or in gifts to religious establishments, presume a very copious supply of cereales for the purpose of malting[2]. But it is also certain that our forefathers depended very materially for subsistence upon the herds of oxen, sheep, and especially swine, which they could feed upon the unenclosed meadows, or in the wealds of oak and beech which covered a large proportion of the land. From the moment, in short, when we first learn anything of their domestic condition, all the German tribes appear to be settled upon arable land, surrounded with forest pastures, and having some kind of property in both.

[1] On xii mónðum ðú scealt sillan ðínum þeówan men vii hund hláfa ⁊ xx hláfa, bútan morgemettum ⁊ nónmettum: in the course of twelve months thou shalt give thy þeów or serf, seven hundred and twenty loaves, besides morning meals and noon meals. Sal. and Sat. p. 192. We should perhaps read seven hundred and thirty, which would give daily two loaves, probably of rye or barley. Compare the allowances mentioned in the Rectitudines Singularum Personarum. Anc. Laws. Thorpe, i. 432 *seq.*

[2] So from the earliest times: "Potui humor ex hordeo aut frumento in quandam similitudinem vini corruptus." Tac. Germ. 23.

Caesar, it is true, denies that agriculture was much cultivated among the Germans, or that property in the arable land was permitted to be permanent[1]: and, although it seems impolitic to limit the efforts of industry, by diminishing its reward, it is yet conceivable that, under peculiar circumstances, a warlike confederation might overlook this obvious truth in their dread of the enervating influences of property and a settled life. There may have been difficulty in making a new yearly division of land, which to our prejudices seems almost impossible; yet the Arab of Oran claims only the produce of the seed he has sown[2]; the proprietor in the Jaghire district of Madras changes his lands from year to year[3]; the tribes of the Afghans submit to a new distribution even after a ten years' possession has endeared the field to the cultivator[4]; Diodorus tells us that the Vaccaeans changed their lands yearly and divided the produce[5]; and Strabo attributes a similar custom to one tribe at least of the Illyrian Dalmatians, after a period of seven[6].

But so deeply does the possession of land enter into the principle of all the Teutonic institutions, that I cannot bring myself to believe in the accu-

[1] "Agriculturae non student: maiorque pars victus eorum in lacte, caseo, carne consistit: neque quisquam agri modum certum aut fines habet proprios; sed magistratus ac principes in annos singulos gentibus cognationibusque hominum, qui una coierint, quantum, et quo loco visum est, agri adtribuunt, atque anno post alio transire cogunt. Eius rei multas adferunt causas; ne, adsidua consuetudine capti, studium belli gerundi agricultura commutent;" etc. Bell. Gall. vi. 22.

[2] The administration of Oran. Times newspaper, Aug. 24th, 1844.

[3] Fifth Rep., Committee, 1810, p. 723, cited in Mill's Brit. India, i. 315.

[4] Elphinstone's Caubul, ii. 17, 18, 19.

[5] Diodorus, v. 34.

[6] Strabo, bk. vii. p. 315.

racy of Caesar's statement. Like his previous rash and most unfounded assertion respecting the German gods, this may rest only upon the incorrect information of Gallic provincials: at the utmost it can be applied only to the Suevi and their warlike allies[1], if it be not even intended to be confined to the predatory bands of Ariovistus, encamped among the defeated yet hostile Sequani[2]. The equally well-known passage of Tacitus,—"arva per annos mutant, et superest ager[3],"—may be most safely rendered as applying to the common mode of culture; "they change the arable from year to year, and there is land to spare;" that is, for commons and pasture: but it does not amount to a proof that settled property in land was not a part of the Teutonic scheme; it implies no more than this, that within the Mark which was the property of all, what was this year one man's corn-land, might the next be another man's fallow; a process very intelligible to those who know anything of the system of cultivation yet prevalent in parts of Germany, or have ever had any interest in what we call Lammas Meadows.

Zeuss, whose admirable work[4] is indispensable to the student of Teutonic antiquity, brings together various passages to show that at some early period, the account given by Caesar may have conveyed a just description of the mode of life in

[1] Harudes, Marcomanni, Tribocci, Vangiones, Nemetes and Sedusii. Bell. Gall. i. 51.

[2] Bell. Gall. i. 31.

[3] Tac. Germ. 26.

[4] Die Deutschen und die Nachbarstämme, von Kaspar Zeuss. München. 1837.

Germany[1]. He represents its inhabitants to himself as something between a settled and an unsettled people. What they may have been in periods previous to the dawn of authentic history, it is impossible to say; but all that we really know of them not only implies a much more advanced state of civilization, but the long continuance and tradition of such a state. We cannot admit the validity of Zeuss' reasoning, or escape from the conviction that it mainly results from a desire to establish his etymology of the names borne by the several confederations, and which requires the hypothesis of wandering and unsettled tribes[2].

[1] He cites the passage from Caesar which I have quoted, and also Bell. Gall. iv. 1, which still applies only to the Suevi. His next evidence is the assertion of Tacitus just noticed. His third is from Plutarch's Aemil. Paul. c. 12, of the Bastarnae: *ἄνδρες οὐ γεωργεῖν εἰδότες, οὐ πλεῖν, οὐκ ἀπὸ ποιμνίων ζῆν νέμοντες, ἀλλ' ἓν ἔργον καὶ μίαν τέχνην μελετῶντες, ἀεὶ μάχεσθαι καὶ κρατεῖν τῶν ἀντιταττομένων.* A people without agriculture or commerce, and who live only on fighting, may be left undisturbed in the realm of dreams with which philosophers are conversant. Zeuss proceeds to reason upon the analogy of examples derived from notices of Britons, Kelts and Wends, in Strabo, Polybius and Dio Cassius. See p. 52, etc.

[2] Thus, according to his view, Suevi (Suáp, Swæf) denotes the wanderers; Wandal also the wanderers. Assuredly if nations at large partook of such habits, single tribes could not have derived a name from the custom. How much more easy would it be, upon similar etymological grounds, to prove that the leading Teutonic nations were named from their weapons! Saxons from *seax*, the long knife; Angles from *angol*, a hook; Franks from *franca*, a javelin; Langobards and Heaðobards from *barda*, the axe or halberd; nay even the general name itself, Germans, from *gárman* (Old Germ. *kérman*) the javelin- or goadman. Yet who would assert these to be satisfactory derivations? Zahn, whose services to Old German literature cannot be overrated, speaks wisely when he calls the similarity of proper names, a rock "on which uncritical heads are much in the habit of splitting." Vorrede zu Ulphilas, p. 3.

The word Mark has a legal as well as a territorial meaning: it is not only a space of land, such as has been described, but a member of a state also; in which last sense it represents those who dwell upon the land, in relation to their privileges and rights, both as respects themselves and others. But the word, as applied even to the territory, has a twofold meaning: it is, properly speaking, employed to denote not only the whole district occupied by one small community[1]; but more especially those forests and wastes by which the arable is enclosed, and which separate the possessions of one tribe from those of another[2]. The Mark or boundary pasture-land, and the cultivated space which it surrounds, and which is portioned out to the several members of the community, are inseparable;

[1] If a man be emancipated, his lord shall still retain the right to his mund and wergyld, sý ofer mearce ðǽr he wille, *be he over the mark wherever he may be*, be he out of the district where he may. Ll. Wihtr. § 8. Thorpe, i. 38.

[2] Grimm is of opinion that the word Marc itself originally denoted *forest*, and that the modern sense is a secondary one, derived from the fact of forests being the signs or marks of communities. Deut. Gränzalterthümer. Berl. 1844. There can be no doubt that forests were so: in Old Norse the two ideas, and the words by which they are expressed, flow into one another: Mörk (f) is *silva*, Mark (n) is *limes*. In the Edda and Sögur, Myrkviðr is the common name for a wood: thus, sem þessi her kom saman, riða þeir á skóg þan er Myrkviðr heitir, hann skilr Húnaland ok Reiðgota land; they rode to the forest which is called Myrkviðr (mearcwidu in Anglosaxon) which separates Huna land from Reidgota land. Fornm. Sög. i. 496. Though given here as a proper name, it is unquestionably a general one. Conf. Edda, Völund. cv. 1.

meyjar flugu sunnan
myrkvið igögnum.

and so in many passages. The darkness of the forest gives rise also to the adjective *murky*.

however different the nature of the property which can be had in them, they are in fact one whole; taken together, they make up the whole territorial possession of the original *cognatio*, kin or tribe. The ploughed lands and meadows are guarded by the Mark; and the cultivator ekes out a subsistence which could hardly be wrung from the small plot he calls his own, by the flesh and other produce of beasts, which his sons, his dependents or his serfs mast for him in the outlying forests.

Let us first take into consideration the Mark in its restricted and proper sense of a boundary. Its most general characteristic is, that it should not be distributed in arable, but remain in heath, forest, fen and pasture. In it the Markmen—called in Germany Markgenossen, and perhaps by the Anglo-saxons Mearcgeneátas—had commonable rights; but there could be no private estate in it, no hid or hlot, no κλῆρος or *haeredium*. Even if under peculiar circumstances, any markman obtained a right to essart or clear a portion of the forest, the portion so subjected to the immediate law of property ceased to be mark. It was undoubtedly under the protection of the gods; and it is probable that within its woods were those sacred shades especially consecrated to the habitation and service of the deity [1].

[1] Tacitus says of the Semnones: "Stato tempore in silvam auguriis patrum et prisca formidine sacram omnes eiusdem sanguinis populi legationibus coeunt, caesoque publice homine celebrant barbari ritus horrenda primordia. Est et alia luco reverentia. Nemo nisi vinculo ligatus ingreditur, ut minor et potestatem numinis prae se ferens. Si forte prolapsus est, attolli et insurgere haud licitum, per humum evol-

If the nature of an early Teutonic settlement, which has nothing in common with a city, be duly considered, there will appear an obvious necessity for the existence of a mark, and for its being maintained inviolate. Every community, not sheltered by walls, or the still firmer defences of public law, must have one, to separate it from neighbours and protect it from rivals: it is like the outer pulp that surrounds and defends the kernel. No matter how small or how large the community,—it may be only a village, even a single household, or a whole state,—it will still have a Mark, a space or boundary by which its own rights of jurisdiction are limited, and the encroachments of others are kept off[1]. The more extensive the community which

vuntur: eoque omnis superstitio respicit, tanquam inde initia gentis, ibi regnator omnium deus, cetera subiecta atque parentia." Germ. 39. Again: "Apud Nahanarvalos antiquae religionis lucus ostenditur." Ibid. 43. Without asserting the existence of the Mark among the Greeks with all the peculiar German characteristics, we may borrow from them an illustration and definition of its nature. Between the territories of the Athenians and Megareans lay a tract of land, the cultivation of which by the latter formed the pretext or justification of the excommunication launched against them by "Olympian" Pericles, which ultimately led to the Peloponesian war, and the downfal of Athens. The Athenians, Thucydides tells us, refused to rescind their intemperate decree, ἐπικαλοῦντες ἐπεργασίαν Μεγαρεῦσι τῆς γῆς τῆς ἱέρας καὶ τῆς ἀορίστου· (Lib. i. 139), where the Scholiast explains ἀόριστου by οὐ σπειρομένης. *Sacred and not divided into plots for cultivation by the plough*, is the exact definition of a Teutonic Mark. Compare χοίριος νάπη (silva porcina) between Laconia and Messenia. Paus iv. 1. In the legend of St. Gúðlác, the saint is said to occupy the desert wilderness, mearcland, the mark (Codex Exoniensis, p. 112, l. 16), and this is accurately defined as ídel ⁊ æmen, éðelrihte feor, *empty and uninhabited, in which there were no rights of property.* Ibid. p. 115. l. 9.

[1] Caesar appears to have understood this. He says: "Civitatibus maxima laus est, quam latissimas circum se vastatis finibus solitudines

is interested in the Mark, the more solemn and sacred the formalities by which it is consecrated and defended; but even the boundary of the private man's estate is under the protection of the gods and of the law. "Accursed," in all ages and all legislations, "is he that removeth his neighbour's landmark." Even the owner of a private estate is not allowed to build or cultivate to the extremity of his own possession, but must leave a space for eaves[1]. Nor is the general rule abrogated by changes in the original compass of the communities; as smaller districts coalesce and become, as it were, compressed into one body, the smaller and original Marks may become obliterated and converted merely into commons, but the public mark will have been increased upon the new and extended frontier. Villages tenanted by Heardingas or Módingas may cease to be separated, but the larger divisions which have grown up by their union, Meanwaras, Mægsetan or Hwiccas[2] will still have a boundary of their own; these again may be lost in the extending circuit of Wessex or Mercia; till

habere. Hoc proprium virtutis existimant, expulsos agris finitumos cedere, neque quemquam prope audere consistere: simul hoc se fore tutiores arbitrantur, repentinae incursionis timore sublato." This is true, but in the case of most settlements the necessity of maintaining extensive pasture-grounds must have made itself felt at a very early period.

[1] Efese. Goth. Ubiswa. The name for this custom was Yfesdrype, *Eavesdrip*. In a charter of the year 868 it is said: "And by the custom (folces folcriht) two feet space only need be left for eavesdrip on this land." Cod. Dipl. No. 296. In Greece the distances were solemnly regulated by law: see Plut. Solon, cap. 23.

[2] The people in the hundreds of East and West Meon; in Herefordshire; and in Worcester and Gloucester.

a yet greater obliteration of the Marks having been produced through increasing population, internal conquest, or the ravages of foreign invaders, the great kingdom of England at length arises, having wood and desolate moorland and mountain as its mark against Scots, Cumbrians and Britons, and the eternal sea itself as a bulwark against Frankish and Frisian pirates[1].

But although the Mark is waste, it is yet the property of the community: it belongs to the freemen as a whole, not as a partible possession: it may as little be profaned by the stranger, as the arable land itself which it defends[2]. It is under the safeguard of the public law, long after it has ceased

[1] To a very late period, the most powerful of our nobles were the Lords Marchers or Lords of the Marches of Wales and Scotland. Harald was lord of the Marches against the Welsh. And so the hereditary Markgraves or Counts of the Mark, Marchiones, have become kings in Germany and Italy. Our only Markgraviats by land could be against the Welsh on the west, the Picts and Scots on the north. There were undoubtedly others among the Saxons while their kingdoms remained unsettled: but not when once the whole realm became united under Æðelstán. The consolidation of the English power has put down all but transmarine invaders; hence the sea is become our Mark, and the commanders of our ships, the Margraves. But, as Blackstone rather beautifully says, "water is a wandering and uncertain thing," and our Margraves therefore establish no territorial authority. The reader is referred to Dönniges, Deutsches Staatsrecht, p. 297, *seq.*, for a very good account of the Marches of the German Empire.

[2] If a stranger come through *the wood*, he shall blow his horn and shout: this will be evidence that his intentions are just and peaceful. But if he attempt to slink through in secret, he may be slain, and shall lie unavenged. Ini. § 20, 21. Thorpe, i. 114, 116. If the death-blow under such circumstances be publicly avouched, his kindred or lord shall not even be allowed to prove that he was not a thief: otherwise, if the manslaughter be concealed. This raises a presumption in law against the slayer, and the dead man's kindred shall be admitted to their oath that he was guiltless.

to be under the immediate protection of the gods: it is unsafe, full of danger; death lurks in its shades and awaits the incautious or hostile visitant:

eal wæs ðæt mearclond	all the markland was
morðre bewunden,	with death surrounded,
feóndes fácne:	the snares of the foe[1]:

punishments of the most frightful character are denounced against him who violates it[2]; and though, in historical times, these can be only looked upon as comminatory and symbolical, it is very possible that they may be the records of savage sacrifices believed due, and even offered, to the gods of the violated sanctuary. I can well believe that we too had once our Diana Taurica. The Marks are called accursed; that is accursed to man, accursed to him that does not respect their sanctity: but they are sacred, for on their maintenance depend the safety of the community, and the service of the deities whom that community honours[3]. And even when the gods have abdicated their ancient power, even to the very last, the terrors of superstition come in aid of the enactments of law: the deep forests and

[1] Cod. Vercel. And. l. 38.

[2] Grimm has given examples of these, but they are too horrible for quotation. They may be read in his Deutsche Rechtsalterthümer, pp. 518, 519, 520.

[3] I am inclined to think that the cwealmstow or place of execution was properly in the mark; as it is indeed probable that all capital punishments among the Germans were originally in the nature of sacrifices to the gods. When Juliana is about to be put to death, she is taken to the border, londmearce neáh, nigh to the landmark. Cod. Exon. p. 280. Prometheus hung in the ἄβροτος ἐρημία: though perhaps there is another and deeper feeling here,—that the friend of man should suffer in the desert

"where no man comes,
Nor hath come, since the making of the world!"

marshes are the abodes of monsters and dragons; wood-spirits bewilder and decoy the wanderer to destruction: the Nicors house by the side of lakes and marshes[1]: Grendel, the man-eater, is a "mighty stepper over the mark[2]": the chosen home of the firedrake is a fen[3].

The natural tendency, however, of this state of isolation is to give way; population is an ever-active element of social well-being; and when once the surface of a country has become thickly studded with communities settled between the Marks, and daily finding the several clearings grow less and less sufficient for their support[4], the next step is the destruction of the Marks themselves, and the union of the settlers in larger bodies; and under altered circumstances. Take two villages, placed on such clearings in the bosom of the forest, each having an ill-defined boundary in the wood that separates them, each extending its circuit woodward as population increases and presses upon the land, and each attempting to drive its Mark further into the waste, as the arable gradually encroaches upon this. On the first meeting of the herdsmen, one of three courses appears unavoidable: the communities must enter into a federal union; one must

[1] Beów. l. 2822.

[2] Beów. l. 2695. micle mearcstapan.

[3] "Like to a lonely dragon, that his fen
Makes fear'd and talk'd of more than seen."
Shaksp. Coriol. act iv. sc. 1.

[4] "Facilitatem partiendi camporum spatia praestant." Tac. Germ. 26. But as the space diminishes, so also diminishes the stability of a form of society founded upon its existence.

attack and subjugate the other; or the two must coalesce into one on friendly and equal terms[1]. The last-named result is not improbable, if the gods of the one tribe are common to the other: then perhaps the temples only may shift their places a little. But in any case the intervening forest will cease to be Mark, because it will now lie in the centre, and not on the borders of the new community. It will be converted into common pasture, to be enjoyed by all on fixed conditions; or it may even be gradually rooted out, ploughed, planted and rendered subject to the ordinary accidents of arable land: it will become *folcland*, public land, applicable to the general uses of the enlarged state, nay even divisible into private estates, upon the established principles of public law. And this process will be repeated and continue until the family becomes a tribe, and the tribe a kingdom; when the intervening boundary lands, cleared, drained and divided, will have been clothed with golden harvests, or portioned out in meadows and common pastures, appurtenant to villages; and the only marks remaining will be the barren mountain and moor of the frontiers, the deep unforded rivers, and the great ocean that washes the shores of the continent.

[1] History supplies numerous illustrations of this process. Rome grew out of the union of the Rhamnes and Luceres with the Sabines: and generally speaking in Greece, the origin of the πόλις lies in what may be called the compression of the κώμαι. The ἀγορὰ is on the space of neutral ground where all may meet on equal terms, as the Russians and Chinese trade at Kiachta: but then when the πόλις has grown up, the ἀγορὰ is in its centre, not in its suburbs.

Christianity, which destroys or diminishes the holiness of the forests, necessarily confines the guarantee of the Mark to the public law of the state. Hence when these districts become included within the limits of Christian communities, there is no difficulty in the process which has been described: the state deals with them as with any other part of its territory, by its own sovereign power, according to the prevalent ideas of agricultural or political œconomy; and the once inviolate land may at once be converted to public uses, widely different from its original destination, if the public advantage require it. No longer necessary as a boundary, from the moment when the smaller community has become swallowed up and confounded in the larger, it may remain in commons, be taken possession of by the state as folcland, or become the source of even private estates, and to all these purposes we find it gradually applied. In process of time it seems even to have become partible and appurtenant to private estates in a certain proportion to the arable[1]: towards the close of the tenth century I find the grant of a mill and millstead, "and thereto as much of the markland as belongeth to three hydes"[2].

The general advantage which requires the maintenance of the Mark as public property, does not however preclude the possibility of using it for

[1] Most likely as commons are distributed now, under enclosure-bills; allotments being made in fee, as compensation for commonable rights.

[2] And se mylenhám ȝ se myln ðærtó, ȝ ðæs mearclandes swá mycel swá tó þrim hídon gebyraþ. an. 982. Cod. Dipl. No. 633.

public purposes, as long as the great condition of indivisibility is observed. Although it may not be cleared and ploughed, it may be depastured, and all the herds of the Markmen may be fed and masted upon its wilds and within its shades. While it still comprises only a belt of forest, lying between small settlements, those who live contiguous to it, are most exposed to the sudden incursions of an enemy, and perhaps specially entrusted with the measures for public defence, may have peculiar privileges, extending in certain cases even to the right of clearing or essarting portions of it. In the case of the wide tracts which separate kingdoms, we know that a comprehensive military organization prevailed, with castles, garrisons and governors or Margraves, as in Austria, Brandenburg and Baden, Spoleto and Ancona, Northumberland and the Marches of Wales. But where clearings have been made in the forest, the holders are bound to see that they are maintained, and that the fresh arable land be not encroached upon; if forest-trees spring there by neglect of the occupant, the essart again becomes forest, and, as such, subject to all the common rights of the Markmen, whether in pasture, chase or estovers[1].

The sanctity of the Mark is the condition and guarantee of its indivisibility, without which it cannot long be proof against the avarice or ambition

[1] *Estoveria.* In this case, small wood necessary for household purposes, as Housebote, Hedgebote and Ploughbote, the materials for repairing house, hedge and plough. But timber trees are not included. See Stat. West. 2. cap. 25; and 20 Car. II. c. 3.

of individuals: and its indivisibility is, in turn, the condition of the service which it is to render as a bulwark, and of its utility as a pasture. I therefore hold it certain that some solemn religious ceremonies at first accompanied and consecrated its limitation[1]. What these may have consisted in, among the heathen Anglosaxons, we cannot now discover, but many circumstances render it probable that Wóden, who in this function also resembles Ἑρμῆς, was the tutelary god[2]: though not absolutely to the exclusion of other deities, Tiw and Frea appearing to have some claim to a similar distinction[3]. But however its limit was originally drawn or driven, it was, as its name denotes, distinguished by marks or signs. Trees of peculiar size and beauty, and carved with the figures of birds and beasts, perhaps even with runic characters, served the purpose of limitation and definition[4]: striking natural features,

[1] "Silvam auguriis patrum et prisca formidine sacram." Tac. Germ. 39. See Möser, Osnabrückische Geschichte. i. 57, *seq.*

[2] Ἑρμῆς, in this one sense Mercurius, is identical with Wóden. Both invented letters; both are the wandering god; both are Odysseus. The name of Wóden is preserved in many boundary places, or chains of hills, in every part of England. See chap. xii. of this Book. The Wónác (Cod. Dipl. No. 495), the Wónstoc (ibid. Nos. 287, 657), I have no hesitation in translating by Wóden's oak, Wóden's post. Scyldes treów (ibid. No. 436) may also refer to Wóden in the form of Scyld, as Hnices þorn (ibid. No. 268) may record the same god in his form of Hnicor, or Hnic.

[3] Teowes þorn, Tiw's thorn. Cod. Dipl. No. 174. Tiwes mére, Tiw's lake. Ibid. No. 262. Frigedæges treów (ibid. No. 1221), the tree of Frigedæg, a name I hold equivalent to Frea or Fricge.

[4] The boundaries of the Anglosaxon charters supply a profusion of evidence on this subject. The trees most frequently named are the oak, ash, beech, thorn, elder, lime and birch. The heathen burial-place or mound is singularly frequent. Cod. Dipl. Nos. 247, 335, 476.

a hill, a brook, a morass, a rock, or the artificial mound of an ancient warrior, warned the intruder to abstain from dangerous ground, or taught the herdsman how far he might advance with impunity. In water or in marshy land, poles were set up, which it was as impious to remove, as it would have been to cut or burn down a mark-tree in the forest.

In the second and more important sense of the word, the Mark is a community of families or households, settled on such plots of land and forest as have been described. This is the original basis upon which all Teutonic society rests, and must be assumed to have been at first amply competent to

The charter No. 126 has these words: "Deinde vero ad alios monticulos, postea vero ad viam quae dicitur Fíf ác, recto itinere ad easdem fíf ác, ac proinde autem ad þreom gemæran." Here the boundaries of three several districts lay close to a place called *Five Oaks*. That the trees were sometimes marked is clear from the entries in the boundaries: thus, in the year 931, tó ðære gemearcodan æc æt Alerburnan, *the marked oak*. Cod. Dipl. No. 1102. ðа gemearcodan æfse, *the marked eaves* or edge of the wood. Ibid. Also, on ða gemearcodan lindan. Ibid. No. 1317. Cyrstelmæl ác, or Christ cross oak. Ibid. No. 118. At Addlestone, near Chertsey, is an ancient and most venerable oak, called the Crouch (crux, crois), that is Cross oak, which tradition declares to have been a boundary of Windsor forest. The same thing is found in Circassia. See Bell, ii. 58. The mearcbeám, without further definition is common: so the mearctreów. Cod. Dipl. No. 436. The mearcbróc. Ibid. No. 1102. Artificial or natural stone posts are implied by the constantly recurring háran stánas, grægan stánas, *hoary* or *grey* stones. Among Christians, crosses and obelisks have replaced these old heathen symbols, without altering the nature of the sanction, and the *weichbild*, or mark that defines the limits of a jurisdiction, can, in my opinion, mean only the *sacred* sign. On this point see Haltaus. Gloss. *in voce*, whose derivation from wíc, *oppidum*, is unsatisfactory. See too Eichhorn, Deutsche Staats- und Rechtsgeschichte, ii. 76. § 224 a. note *c*: with whose decision Grimm and I coincide.

all the demands of society in a simple and early stage of development: for example, to have been an union for the purpose of administering justice, or supplying a mutual guarantee of peace, security and freedom for the inhabitants of the district. In this organization, the use of the land, the woods and the waters was made dependent upon the general will of the settlers, and could only be enjoyed under general regulations made by all for the benefit of all. The Mark was a voluntary association of free men, who laid down for themselves, and strictly maintained, a system of cultivation by which the produce of the land on which they settled might be fairly and equally secured for their service and support; and from participation in which they jealously excluded all who were not born, or adopted, into the association. Circumstances dependent upon the peculiar local conformation of the district, or even on the relations of the original parties to the contract, may have caused a great variety in the customs of different Marks; and these appear occasionally anomalous, when we meet with them still subsisting in a different order of social existence[1]; but with the custom of one Mark, another had nothing to do, and the Markmen, within their own limit, were independent, sufficient to their own support and defence, and seised of full power and authority to regulate their own affairs, as seemed most conducive to their own

[1] For example in Manors, where the territorial jurisdiction of a lord has usurped the place of the old Markmoot, but not availed entirely to destroy the old Mark-rights in the various commons.

advantage. The Court of the Markmen, as it may be justly called, must have had supreme jurisdiction, at first, over all the causes which could in any way affect the interests of the whole body or the individuals composing it: and suit and service to such court was not less the duty, than the high privilege, of the free settlers. On the continent of Germany the divisions of the Marks and the extent of their jurisdiction can be ascertained with considerable precision; from these it may be inferred that in very many cases the later courts of the great landowners had been in fact at first Markcourts, in which, even long after the downfall of the primæval freedom, the Lord himself had been only the first Markman, the patron or defender of the simple freemen, either by inheritance or their election[1]. In this country, the want of materials precludes the attainment of similar certainty, but there can be no reason to doubt that the same process took place, and that originally Markcourts existed among ourselves with the same objects and powers. In a charter of the year 971, Cod. Dipl. No. 568, we find the word Mearcmót, which can there mean only the place where such a court, mót

[1] Numerous instances may be found in Grimm's valuable work, Die Deutschen Weisthümer, 3 vols. 8vo. These are the presentments or verdicts of such courts, from a very early period, and in all parts of Germany. It is deeply to be lamented that the *very early* customs found in the copies of Court Roll in England have not been collected and published. Such a step could not possibly affect the interests of Lords of Manors, or their Stewards; but the collection would furnish invaluable materials for law and history. We shall have to refer hereafter to the Advocatus or Vogt, the elected or hereditary patron of these and similar aggregations.

or meeting was held: while the *mearcbeorh*, which is not at all of rare occurrence, appears to denote the hill or mound which was the site of the court, and the place where the free settlers met at stated periods to do right between man and man[1].

It is not at all necessary that these communities should have been very small; on the contrary, some of the Marks were probably of considerable extent, and capable of bringing a respectable force into the field upon emergency: others, no doubt, were less populous, and extensive: but a hundred heads of houses, which is not at all an extravagant supposition, protected by trackless forests, in a district not well known to the invader, constitute a body very well able to defend its rights and privileges.

Although the Mark seems originally to have been defined by the nature of the district, the hills, streams and forests, still its individual, peculiar and, as it were, private character depended in some degree also upon long-subsisting relations of the Markmen, both among themselves, and with regard to others. I represent them to myself as great family unions, comprising households of various degrees of wealth, rank and authority: some, in direct descent from the common ancestors, or from the hero of the particular tribe: others, more distantly connected, through the natural result of increasing population, which multiplies indeed the members of

[1] Mearcbeorh, the *Mark-hill*, seems too special a name to express some hill or other, which happened to lie in the boundary. A Kentish charter names the gemótbeorh (Cod. Dipl. No. 364. an. 934), but this is indefinite, and might apply to the Shiremoot.

the family, but removes them at every step further from the original stock: some, admitted into communion by marriage, others by adoption; others even by emancipation; but all recognizing a brotherhood, a kinsmanship or *sibsceaft* [1]; all standing together as one unit in respect of other, similar communities; all governed by the same judges and led by the same captains; all sharing in the same religious rites, and all known to themselves and to their neighbours by one general name.

The original significance of these names is now perhaps matter of curious, rather than of useful enquiry. Could we securely determine it, we should, beyond doubt, obtain an insight into the antiquities of the Germanic races, far transcending the actual extent of our historical knowledge; this it is hopeless now to expect: ages of continual struggles, of violent convulsions, of conquests and revolutions, lie between us and our forefathers: the traces of their steps have been effaced by the inexorable march of a different civilization. This alone is certain, that the distinction must have lain deeply rooted in the national religion, and supplied abundant materials for the national epos. Much has been irrecoverably lost, yet in what remains we recognize fragments which bear the impress of former wealth and grandeur. Beówulf, the Traveller's Song, and the multifarious poems and traditions

[1] Refer to Caesar's expression *cognatio*, in a note to p. 39. It is remarkable that early MS. glossaries render the word *fratrueles* by *gelondan*, which can only be translated, "those settled upon the same land;" thus identifying the local with the family relations.

of Scandinavia, not less than the scattered names which meet us here and there in early German history, offer hints which can only serve to excite regret for the mass which has perished. The kingdoms and empires which have exercised the profoundest influence upon the course of modern civilization, have sprung out of obscure communities whose very names are only known to us through the traditions of the poet, or the local denominations which record the sites of their early settlements.

Many hypotheses may be formed to account for these ancient aggregations, especially on the continent of Europe. Perhaps not the least plausible is that of a single family, itself claiming descent, through some hero, from the gods, and gathering other scattered families around itself; thus retaining the administration of the family rites of religion, and giving its own name to all the rest of the community. Once established, such distinctive appellations must wander with the migrations of the communities themselves, or such portions of them as want of land and means, and excess of population at home, compelled to seek new settlements. In the midst of restless movements, so general and extensive as those of our progenitors, it cannot surprise us, when we find the gentile names of Germany, Norway, Sweden and Denmark, reproduced upon our own shores. Even where a few adventurers—one only—bearing a celebrated name, took possession of a new home, comrades would readily be found, glad to constitute themselves

around him under an appellation long recognized as heroic: or a leader, distinguished for his skill, his valour and success, his power or superior wealth, may have found little difficulty in imposing the name of his own race upon all who shared in his adventures. Thus Harlings and Wælsings, names most intimately connected with the great epos of the Germanic and Scandinavian races, are reproduced in several localities in England: Billing, the noble progenitor of the royal race of Saxony, has more than one enduring record: and similarly, I believe all the local denominations of the early settlements to have arisen and been perpetuated[1]. So much light appears derivable from a proper investigation of these names, that I have collected them in an Appendix (A.) at the end of this volume, to the contents of which the reader's attention is invited[2].

[1] The Harlings, in Anglosaxon Herelingas (Trav. Song, l. 224); Harlunge, (W. Grimm, Deut. Heldensage, p. 280, etc.,) are found at Harling in Norfolk and Kent, and at Harlington (Herelingatún) in Bedfordshire and Middlesex. The Wælsings, in Old Norse Völsungar, the family of Sigurdr or Siegfried, reappear at Walsingham in Norfolk, Wolsingham in Northumberland, and Woolsingham in Durham. The Billings, at Billinge, Billingham, Billinghoe, Billinghurst, Billingden, Billington, and many other places. See Appendix A.

[2] These local denominations are for the most part irregular compositions, of which the former portion is a patronymic in -ing or -ling, declined in the genitive plural. The second portion is a mere definition of the locality, as -geat, -hyrst, -hám, -wíc, -tún, -stede, and the like. In a few cases the patronymic stands alone in the nominative plural, as Tótingas, Tooting, Surrey; Wócingas, Woking, Surrey; Meallingas, Malling, Kent; Weðeringas, Wittering, Sussex. In a still smaller number, the name of the eponymus replaces that of his descendants, as Finnes burh, Finsbury; Wælses hám, Walsham, in Norfolk; in which last name, as well as in Wælses eafora (Beówulf, l. 1787), we

In looking over this list we are immediately struck with a remarkable repetition of various names, some of which are found at once in several counties; and most striking are those which, like the examples already alluded to, give a habitation upon our own shores to the races celebrated in the poetical or historical records of other ages and other lands. There are indeed hardly any enquiries of deeper interest, than those whose tendency is to link the present with the past in the bonds of a mythical tradition; or which present results of greater importance to him who has studied the modes of thought and action of populations at an early stage

have a record of the progenitor of the Wælsings, who is alike unknown to the Scandinavian and the German legends of that noble race. In dealing, however, with these names, some amount of caution is necessary: it is by no means enough that a word should end in -ing, to convert it into a genuine patronymic. On the contrary it is a power of that termination to denote the genitive or possessive, which is also the generative, case: and in some local names we do find it so used: thus Æðelwulfing lond (Cod. Dipl. No. 179, a. 801) is exactly equivalent to Æðelwulfes lond, the estate of a duke Æðelwulf, not of a family called Æðelwulfings. So again, ðæt Folcwining lond (Cod. Dipl. No. 195, a. 811), ðæt Wynhearding lond (Cod. Dipl. No. 195, a. 811), imply the land of Folcwine, of Wynheard, not of marks or families called Folcwinings and Wynheardings. Woolbedington, Wool Lavington, Barlavington, are respectively Wulfbæding tún, Wulfláfing tún, Beórláfing tún, the tún or dwelling of Wulfláf, Wulfbæd and Beórláf. Between such words and genuine patronymics the line must carefully be drawn, a task which requires both skill and experience: the best security is, where we find the patronymic in the genitive plural: but one can very generally judge whether the name is such as to have arisen in the way described above, from a genitive singular. Changes for the sake of euphony must also be guarded against, as sources of error: thus Abingdon in Berks would impel us strongly to assume a family of Abingas; the Saxon name Æbban dún convinces us that it was named from an Æbba (m) or Æbbe (f). Dunnington is not Duninga tún, but Dunnan, that is Dunna's tún.

of their career. The intimate relations of mythology, law and social institutions, which later ages are too apt scornfully to despise, or superstitiously to imitate, are for them, living springs of action: they are believed in, not played with, as in the majority of *revivals*, from the days of Anytus and Melitus to our own; and they form the broad foundation upon which the whole social polity is established. The people who believe in heroes, originally gods and always god-born, preserve a remembrance of their ancient deities in the gentile names by which themselves are distinguished, long after the rites they once paid to their divinities have fallen into disuse; and it is this record of beings once hallowed, and a cult once offered, which they have bequeathed to us in many of the now unintelligible names of the Marks. Taking these facts into account, I have no hesitation in affirming that the names of places found in the Anglosaxon charters, and yet extant in England, supply no trifling links in the chain of evidence by which we demonstrate the existence among ourselves of a heathendom nearly allied to that of Scandinavia.

The Wælsings, the Völsungar of the Edda, and Volsungen of the German Heldēnsage, have already been noticed in a cursory manner: they are the family whose hero is Siegfried or Sigurdr[1], the centre round which the Nibélungen epos circles. Another of their princes, Fitela, the Norse Sinfiötli,

[1] In Beówulf (l. 1743), Siegfried is replaced by Sígmund, his father. Here occurs his patronymical appellation of Wælsing (l. 1747), and Wælses eafora (l. 1787).

is recorded in the poem of Beówulf[1], and from him appear to have been derived the Fitelingas, whose name survives in Fitling.

The Herelingas or Harlings have also been noticed; they are connected with the same great cycle, and are mentioned in the Traveller's Song, l. 224. As Harlingen in Friesland retains a record of the same name, it is possible that it may have wandered to the coast of Norfolk with the Batavian auxiliaries, *numerus Batavorum*, who served under their own chiefs in Britain. The Swæfas, a border tribe of the Angles[2], reappear at Swaffham. The Brentings[3] are found again in Brentingby. The Scyldings and Scylfings[4], perhaps the most celebrated of the Northern races, give their names to Skelding and Shilvington. The Ardings, whose memorial is retained in Ardingley, Ardington and Ardingworth, are the Azdingi[5], the royal race of the Visigoths and Vandals: a name which confirms the tradition of a settlement of Vandals in England. With these we probably should not confound the Heardingas, who have left their name to Hardingham in Norfolk[6]. The Banings, over whom Becca ruled[7], are recognized in Banningham; the Hælsings[8] in

[1] Lines 1752, 1772.
[2] Trav. S. l. 121.
[3] Beów. l. 5610.
[4] Ibid. l. 60, 125, etc.
[5] See Zeuss, p. 461 and pp. 73, 74; especially his note upon p. 461, where he brings forward a good deal of evidence in favour of the form Geardingas.
[6] The Rune poem says that Ing was first known among the Eastdanes, and that he was so named by the Heardings. This may refer to Norfolk: or must we read heardingas, *bellatores*? See Anglos. Runes. Archæolog. xxviii. 327, *seq.*
[7] Trav. S. l. 37.
[8] Ibid. l. 44.

Helsington, and in the Swedish Helsingland[1]: the Myrgings[2], perhaps in Merring, and Merrington: the Hundings[3], perhaps in Hunningham and Hunnington: the Hócings[4], in Hucking: the Seringas[5] meet us again in Sharington, Sherington and Sheringham. The Þyringas[6], in Thorington and Thorrington, are likely to be offshoots of the great Hermunduric race, the Thyringi or Thoringi, now Thuringians, always neighbours of the Saxons. The Bleccingas, a race who probably gave name to Bleckingen in Sweden, are found in Bletchington, and Bletchingley. In the Gytingas, known to us from Guiting, we can yet trace the Alamannic tribe of the Juthungi, or Jutungi. Perhaps in the Scytingas or Scydingas, we may find another Alamannic tribe, the Scudingi[7], and in the Dylingas, an Alpine or Highdutch name, the Tulingi[8]. The Wæringas are probably the Norman Væringjar, whom we call Varangians. The Wylfingas[9], another celebrated race, well known in Norse tradition, are recorded in Beówulf[10] and the Traveller's Song[11].

These are unquestionably no trivial coincidences; they assure us that there lies at the root of our land-divisions an element of the highest antiquity; one too, by which our kinsmanship with the North-german races is placed beyond dispute. But their analogy leads us to a wider induction: when we

[1] Zeuss, p. 544. [2] Trav. S. l. 45. [3] Ibid. l. 46.
[4] Ibid. l. 57, perhaps the Chauci. [5] Ibid. l. 150.
[6] Ibid. l. 60. [7] Zeuss, p. 584. [8] Ibid. pp. 226, 227.
[9] Cod. Dipl. No. 1135. Wylfinga ford. [10] Lines 916, 936.
[11] Line 58. They are the Ylfingar of Norse tradition. Helg. Hund. 1. 5.

examine the list of names contained in the Appendix, we see at once how very few of these are identified with the names recorded in Beówulf and other poems: all that are so recorded, had probably belonged to portions of the epic cycle; but there is nothing in the names themselves to distinguish them from the rest; nothing at least but the happy accident of those poems, which were dedicated to their praise, having survived. In the lapse of years, how many similar records may have perished! And may we not justly conclude that a far greater number of races might have been identified, had the Ages spared the songs in which they were sung?

> "Vixere fortes ante Agamemnona
> Multi; sed omnes inlachrymabiles
> Urgentur ignotique longa
> Nocte, carent quia vate sacro!"

Whatever periods we assume for the division of the land into Marks, or to what cause soever we attribute the names adopted by the several communities, the method and manner of their dispersion remains a question of some interest. The Appendix shows a most surprising distribution of some particular names over several counties[1]: but this seems conceivable only in two ways; first, that the inhabitants of a Mark, finding themselves pressed

[1] Æscings in Essex, Somerset and Sussex: Alings in Kent, Dorset, Devonshire and Lincoln: Ardings in Sussex, Berks and Northamptonshire: Arlings in Devonshire, Gloucestershire and Sussex: Banings in Hertfordshire, Kent, Lincolnshire and Salop: Beadings in Norfolk, Suffolk, Surrey, Sussex and the Isle of Wight: Berings in Kent, Devonshire, Herefordshire, Lincolnshire, Salop and Somerset: Billings in Bedfordshire, Durham, Kent, Lancashire, Lincolnshire, Norfolk, Northamptonshire, Northumberland, Salop, Sussex and the Isle of Wight, etc.

for room at home, migrated to other seats, and established a new community under the old designation; or, secondly, that in the division of the newly conquered soil, men who had belonged to one community upon the continent, found themselves thrown into a state of separation here, either by the caprice of the lots, supposing their immigration simultaneous, or by the natural course of events, supposing one body to have preceded the other. Perhaps too we must admit the possibility of a dispersion arising from the dissolution of ancient confederacies, produced by internal war. On the whole I am disposed to look upon the second hypothesis as applicable to the majority of cases; without presuming altogether to exclude the action of the first and third causes. It is no doubt difficult to imagine that a small troop of wandering strangers should be allowed to traverse a settled country in search of new habitations. Yet, at first, there must have been abundance of land, which conduct and courage might wring from its Keltic owners. Again, how natural on the other hand is it, that in the confusion of conquest, or the dilatory course of gradual occupation, men once united should find their lot cast apart, and themselves divided into distant communities! Nor in this can we recognize anything resembling the solemn planting of a Grecian, far less of a Roman, colony; or suppose that any notion of a common origin survived to nourish feelings of friendship between bodies of men, so established in different lands. Even had such traditions originally prevailed, they must

soon have perished, when the Marks coalesced into the Gá or Shire, and several of the latter became included in one kingdom. New interests and duties must then have readily superseded maxims which belonged to an almost obsolete organization.

But in truth, to this question of dispersion and relationship, considered in its widest generality, there is no limit either of place or time: it derives, indeed, some of its charm from the very vagueness which seems to defy the efforts of the historian: and even the conviction that a positive and scientific result is unattainable, does not suffice to repress the anxiety with which we strive to lift the veil of our Isis. The question of every settlement, large or small, ultimately resolves itself into that of the original migrations of mankind. Unless we can bring ourselves to adopt the hypothesis of autochthonous populations,—an hypothesis whose vagueness is not less than attaches to a system of gradual, but untraced, advances,—we must fall back from point to point, until we reach one starting-place and one origin. Every family that squats upon the waste, assumes the existence of two families from which it sprang: every household, comprising a man and woman, if it is to be fruitful and continue, presupposes two such households; each of these continues to represent two more, in a geometrical progression, whose enormous sum and final result are lost in the night of ages. The solitary who wanders away into the uncultivated waste, and there by degrees rears a family, a tribe and a state,

takes with him the traditions, the dispositions, the knowledge and the ideas, which he had derived from others, in turn equally indebted to their predecessors. This state of society, if society it can be called, is rarely exhibited to our observation. The backwoodsman in America, or the settler in an Australian bush, may furnish some means of judging such a form of civilization; and the traditions of Norway and Iceland dimly record a similar process: but the solitary labourer, whose constant warfare with an exulting and exuberant nature does little more than assure him an independent existence, has no time to describe the course and the result of his toils: and the progress of the modern settler is recorded less by himself, than by a civilized society, whose offset he is; which watches his fortunes with interest and judges them with intelligence; which finds in his career the solution of problems that distract itself, and never forgets that he yet shares in the cultivation he has left behind him.

Still the manner in which such solitary households gradually spread over and occupy a country, must be nearly the same in all places, where they exist at all. The family increases in number; the arable is extended to provide food; the pasture is pushed further and further as the cattle multiply, or as the grasslands become less productive. Along the banks of the river which may have attracted the feelings or the avarice of the wanderer, which may have guided his steps in the untracked wilderness, or supplied the road by which he

journeyed, the footsteps of civilization move upward: till, reaching the rising ground from which the streams descend on either side, the vanguards of two parties meet, and the watershed becomes their boundary, and the place of meeting for religious or political purposes. Meantime, the ford, the mill, the bridge have become the nucleus of a village, and the blessings of mutual intercourse and family bonds have converted the squatters' settlement into a centre of wealth and happiness. And in like manner is it, where a clearing in the forest, near a spring or well[1],—divine, for its uses to man,—has been made; and where, by slow degrees, the separated families discover each other, and find that it is not good for man to be alone.

This description, however, will not strictly apply to numerous or extensive cases of settlement, although some analogy may be found, if we substitute a tribe for the family. Continental Germany has no tradition of such a process; and we may not unjustly believe the records of such in Scandinavia to have arisen from the wanderings of unquiet spirits, impatient of control or rivalry, of criminals shrinking from the consequences of their guilt, or of descendants dreading the blood-feud inherited from ruder progenitors. But although systematic and religious colonization, like that of Greece, cannot be assumed to have prevailed, we may safely assert that it was carried on far more

[1] Water seems the indispensable condition of a settlement in any part of the world: hence, in part, the worship paid to it. It is the very key to the history of the East.

regularly, and upon more strict principles than are compatible with capricious and individual settlement[1]. Tradition here and there throws light upon the causes by which bodies of men were impelled to leave their ancient habitations, and seek new seats in more fruitful or peaceful districts. The emigration represented by Hengest has been attributed to a famine at home, and even the grave authority of history has countenanced the belief that his keels were driven into exile: thus far we may assume his adventure to have been made with the participation, if not by the authority, of the parent state.

In general we may admit the division of a conquered country, such as Britain was, to have been conducted upon settled principles, derived from the actual position of the conquerors. As an army they had obtained possession, and as an army they distributed the booty which rewarded their valour. That they nevertheless continued to occupy the land as families or *cognationes*, resulted from the method of their enrolment in the field itself, where each kindred was drawn up under an officer of its own lineage and appointment, and the several members of the family served together. But such a

[1] The solemn apportionment of lands and dwellings is nowhere more obvious, or described in more instructive detail, than in Denmark. Norway and the Swedish borderlands may have offered more numerous instances of solitary settling. The manner of distributing the village land is called Sólskipt or Sólskipti: the provisions of this law are given by Grimm, Rechtsalt. p. 539. There is an interesting account of the formalities used upon the first colonization of Iceland, in Geijer, Hist. of Sweden, i. 159. (German translation of 1826.)

distribution of the land as should content the various small communities that made up the whole force, could only be ensured by the joint authority of the leaders, the concurrence of the families themselves, and the possession of a sufficient space for their extension, undisturbed by the claims of former occupants, and suited to the wants of its new masters. What difficulties, what jealousies preceded the adjustment of all claims among the conquerors, we cannot hope to learn, or by what means these were met and reconciled: but the divisions themselves, so many of whose names I have collected, prove that, in some way or other, the problem was successfully solved.

On the natural clearings in the forest, or on spots prepared by man for his own uses; in valleys, bounded by gentle acclivities which poured down fertilizing streams; or on plains which here and there rose, clothed with verdure, above surrounding marshes; slowly and step by step, the warlike colonists adopted the habits and developed the character of peaceful agriculturists. The towns which had been spared in the first rush of war, gradually became deserted, and slowly crumbled to the soil, beneath which their ruins are yet found from time to time, or upon which shapeless masses yet remain, to mark the sites of a civilization, whose bases were not laid deep enough for eternity. All over England there soon existed a network of communities, the principle of whose being was separation, as regarded each other: the most intimate union, as respected the individual members of each. Agricul-

tural, not commercial, dispersed, not centralized, content within their own limits and little given to wandering, they relinquished in a great degree the habits and feelings which had united them as military adventurers ; and the spirit which had achieved the conquest of an empire, was now satisfied with the care of maintaining inviolate a little peaceful plot, sufficient for the cultivation of a few simple households.

CHAPTER III.

THE GA' OR SCI'R.

NEXT in order of constitution, if not of time, is the union of two, three or more Marks in a federal bond for purposes of a religious, judicial or even political character. The technical name for such a union is in Germany, a Gau or Bant[1]; in England the ancient name Gá has been almost universally superséded by that of Scír or Shire. For the most part the natural divisions of the country are the divisions also of the Gá; and the size of this depends upon such accidental limits as well as upon the character and dispositions of the several collective bodies which we have called Marks.

The Gá is the second and final form of unsevered possession; for every larger aggregate is but the result of a gradual reduction of such districts, under a higher political or administrative unity, different only in degree and not in kind from what prevailed individually in each. The kingdom is only a larger Gá than ordinary; indeed the Gá itself was the original kingdom.

But the unsevered possession or property which

[1] Less usual are Eiba and Para. The Norse Herrad may in some sense be compared with these divisions.

we thus find in the Gá is by no means to be considered in the same light as that which has been described in the Mark. The inhabitants are settled as Markmen, not as Gá-men: the cultivated land which lies within the limits of the larger community is all distributed into the smaller ones.

As the Mark contained within itself the means of doing right between man and man, *i. e.* its Markmót; as it had its principal officer or judge, and beyond a doubt its priest and place of religious observances, so the County, Scír or Gá had all these on a larger and more imposing scale; and thus it was enabled to do right between Mark and Mark, as well as between man and man, and to decide those differences the arrangement of which transcended the powers of the smaller body. If the elders and leaders of the Mark could settle the mode of conducting the internal affairs of their district, so the elders and leaders of the Gá (the same leading markmen in a corporate capacity) could decide upon the weightier causes that affected the whole community; and thus the Scírgemót or Shiremoot was the completion of a system of which the Mearcmót was the foundation. Similarly, as the several smaller units had arrangements on a corresponding scale for divine service, so the greater and more important religious celebrations in which all the Marks took part, could only be performed under the auspices and by the authority of the Gá. Thus alone could due provision be made for sacrifices which would have been too onerous for a small and poor district, and an equalization of burthens

be effected; while the machinery of government and efficient means of protection were secured.

At these great religious rites, accompanied as they ever were by the solemn Ðing, *placitum* or court, thrice in the year the markmen assembled unbidden: and here they transacted the ordinary and routine business required. On emergencies however, which did not brook delay, the leaders could issue their peremptory summons to a bidden Ðing, and in this were then decided the measures necessary for the maintenance and well-being of the community, and the mutual guarantee of life and honour. To the Gá then probably belonged, as an unsevered possession, the lands necessary for the site and maintenance of a temple, the supply of beasts for sacrifice, and the endowment of a priest or priests: perhaps also for the erection of a stockade or fortress, and some shelter for the assembled freemen in the Ðing. Moreover, if land existed which from any cause had not been included within the limits of some Mark, we may believe that it became the public property of the Gá, *i. e.* of all the Marks in their corporate capacity: this at least may be inferred from the rights exercised at a comparatively later period over waste lands, by the constituted authorities, the Duke, Count or King.

Accident must more or less have determined the seat of the Gá-jurisdiction: perhaps here and there some powerful leading Mark, already in the possession of a holy site, may have drawn the neighbouring settlers into its territory: but as the possession and guardianship of the seat of government

could not but lead to the vindication of certain privileges and material advantages to its holders, it is not unreasonable to believe that where the Marks coalesced on equal terms, the temple-lands would be placed without the peculiar territorial possession of each, as they often were in Greece, upon the ἐσχατιὰ or boundary-land. On the summit of a range of hills, whose valleys sufficed for the cultivation of the markmen, on the watershed from which the fertilizing streams descended, at the point where the boundaries of two or three communities touched one another, was the proper place for the common periodical assemblages of the free men: and such sites, marked even to this day by a few venerable oaks, may be observed in various parts of England[1].

The description which has been given might seem at first more properly to relate to an abstract political unity than to a real and territorial one: no doubt the most important quality of the Gá or Scír was its power of uniting distinct populations for public purposes: in this respect it resembled the shire, while the sheriff's court was still of some importance; or even yet, where the judges coming on their circuit, under a commission, hold a shire-moot or court in each shire for gaol-delivery. Yet the Shire is a territorial division[2] as well as an abstract and merely legal formulary, although all the

[1] There are instances which show that the custom, afterwards kept up, of "Trysting Trees," was an ancient one. Probably some great trees marked the site of the several jurisdictions: I find mentioned the scírác, the hundredes treów and the mearcbeám.

[2] The Gau itself had a mark or boundary. Deut. Rechtsalt. p. 496.

land comprised within it is divided into parishes, hamlets, vills and liberties.

Strictly speaking, the Shire, apart from the units that make it up, possesses little more land than that which the town-hall, the gaol, or the hospital may cover. When for the two latter institutions we substitute the fortress of the king, and a cathedral, which was the people's and not the bishop's, we have as nearly as possible the Anglo-saxon shire-property, and the identity of the two divisions seems proved. Just as the Gá (*pagus*) contains the Marks (*vicos*), and the territory of them all, taken together, makes up the territory of the Gá, so does the Shire contain hamlets, parishes and liberties, and its territorial expanse is distributed into them. As then the word Mark is used to denote two distinct things,—a territorial division and a corporate body,—so does the word Gá or Scír denote both a machinery for government and a district in which such machinery prevails. The number of Marks included in a single Gá must have varied partly with the variations of the land itself, its valleys, hills and meadows: to this cause may have been added others arising, to some extent, from the original military organization and distribution, from the personal character of a leader, or from the peculiar tenets and customs of a particular Mark. But proximity, and settlement upon the same land, with the accompanying participation in the advantages of wood and water, are ever the most active means of uniting men in religious and social communities; and it is therefore reasonable

to believe that the influence most felt in the arrangement of the several Gás was in fact a territorial one, depending upon the natural conformation of the country.

Some of the modern shire-divisions of England in all probability have remained unchanged from the earliest times; so that here and there a now existent Shire may be identical in territory with an ancient Gá. But it may be doubted whether this observation can be very extensively applied: obscure as is the record of our old divisions, what little we know, favours the supposition that the original Gás were not only more numerous than our Shires, but that these were not always identical in their boundaries with those Gás whose locality can be determined.

The policy or pedantry of Norman chroniclers has led them to pass over in silence the names of the ancient divisions, which nevertheless were known to them[1]. Wherever they have occasion to refer to our Shires, they do so by the names they still bear; thus Florence of Worcester and Malmsbury, name to the south of the Humber, Kent, Wiltshire, Berkshire, Dorset, Sussex, Southampton, Surrey, Somerset, Devonshire, Cornwall, Gloucester, Worcester, Warwick, Cheshire, Derby, Stafford, Shropshire, Hereford, Oxford, Buckingham,

[1] "Et ne longum faciam, sigillatim enumeratis provinciis quas vastaverunt, hoc sit ad summam complecti, quod, cum numerentur in Anglia triginta duo pagi, illi iam sedecim invaserant, quorum nomina propter barbariem linguae scribere refugio." Gul. Meld. Gest. Reg. lib. ii. § 165.

Hertford, Huntingdon, Bedford, Northampton, Leicester, Lincoln, Nottingham, Cambridge, Norfolk, Suffolk and Essex, comprising with Middlesex thirty-two of the shires, out of forty into which England is now distributed.

Yet even these names and divisions are of great antiquity: Asser, in his life of Ælfred, mentions by name, Berkshire, Essex, Kent, Surrey, Somerset, Sussex, Lincoln, Dorset, Devon, Wiltshire and Southampton, being a third of the whole number: unfortunately, from his work being composed in Latin and his consequent use of *paga*, we cannot tell how many of these divisions were considered by him as Scír.

The Saxon Chronicles, during the period anterior to the reign of Ælfred, seem to know only the old general divisions: thus we have Cantwara land, Kent[1]; Westseaxan, Súðseaxan, Éastseaxan, Middelseaxan, Wessex, Sussex, Essex, Middlesex: Éastengle, Eastanglia: Norðanhymbra land, Súðanhymbra land, Myrcna land, Northumberland, Southumberland, Mercia: Lindisware and Lindisse, Lincolnshire: Súðrige, Surrey; Wiht, the Isle of Wight; Hwiccas, the Hwiccii in Gloucestershire and Worcestershire[2]; Merscware, the people of Romney Marsh: Wilsætan, Dornsætan and Sumorsætan, Wiltshire, Somersetshire and Dorsetshire[3].

[1] The division of Kent into Eást Centingas and West Centingas is retained by the charters till late in the eleventh century.

[2] "Cirrenceaster adiit, qui Britannice Cairceri nominatur, quae est in meridiana parte Huicciorum." Asser, Vit. Ælfr. an. 879.

[3] Where the country is considered as a territorial division, rather than with reference to the race that possesses it, instead of sætan or

But after the time of Ælfred, the different manuscripts of the Chronicles usually adopt the word Scír, in the same places as we do, and with the same meaning. Thus we find, Bearrucscír, Bedanfordscír, Buccingahámscír, Defenascír, Deórabyscír, Eoforwícscír, Gleáwanceasterscír, Grantabrycgscír, Hámtúnscír (Southampton), Hámtúnscír (Northampton), Heortfordscír, Herefordscír, Huntandúnscír, Legeceasterscír, Lindicolnascír, Oxnafordscír, Scrobbesbyrigscír (but also Scrobsetan), Snotingahámscír, Stæffordscír, Wæringwícscír or Wæringscír, Wigraceasterscír, and Wiltunscír: Middelseaxe, Eástseaxe, Súðseaxe, Súðrige and Cent remain: Eástengle is not divided into Norfolk and Suffolk. Thus, out of the thirty-two shires south of the Humber, which Florence and Malmsbury mention, the Chronicles note twenty-six, of which twenty-one are distinguished as *shires* by the word scír.

In Beda nothing of the kind is to be found: the general scope of his Ecclesiastical History rendered it unnecessary for him to descend to minute details, and besides the names of races and kingdoms, he mentions few divisions of the land. Still he notices the Provincia Huicciorum: the Middelangli or Angli Mediterranei, a portion of the Mercians: the Mercii Australes and Aquilonales: the Regio Sudergeona or Surrey: the Regio Loidis or Elmet near York: the Provincia Meanwarorum, or Hundreds

setan, *the settlers*, we have sæte, the land settled; thus Sumorsæte. So Eástseaxe for Eástseaxan or Eástseaxna land; Cent for Centingas or Cantware; Lindisse for Lindisware.

of East and West Meon in Southampton; the Regio Gyrwiorum in which Peterborough lies, and distinct from this, the Australes Gyrwii or South Gyrwians.

The Appendix to the Chronicles of Florence of Worcester supplies us with one or two names of small districts, not commonly found in other authors. One of these is the Mercian district of the Westangles or West Hecan, ruled over by Merewald; in whose country were the Mægsetan, or people of Hereford, who are sometimes reckoned to the Hwiccas, or inhabitants of Worcester and Gloucester[1]. Another, the Middleangles, had its bishopric in Leicester: the Southangles, whose bishop sat at Dorchester in Oxfordshire, consequently comprised the counties down to the Thames. The Northangles or Mercians proper had their bishop in Lichfield. Lastly we know that Malmsbury in Wiltshire was in Provincia Septonia[2].

But we are not altogether without the means of carrying this enquiry further. We have a record of the divisions which must have preceded the distribution of this country into shires: they are unfortunately not numerous, and the names are generally very difficult to explain: they have so long become obsolete, that it is now scarcely possible to identify them. Nor need this cause surprise, when we compare the oblivion into which they have fal-

[1] "Civitas Wigornia.... et tunc et nunc totius Hwicciae vel Magesetaniae metropolis extitit famosa." App. Flor. Wigorn., Episc. Hwicciorum.

[2] Vit. Aldh. Whart. Ang. Sax. ii. 3.

len with the sturdy resistance offered by the names of the Marks, and their long continuance throughout all the changes which have befallen our race. The Gás, which were only political bodies, became readily swallowed up and lost in shires and kingdoms: the Marks, which had an individual being, and as it were personality of their own, passed easily from one system of aggregations to another, without losing anything of their peculiar character: and at a later period it will be seen that this individuality became perpetuated by the operation of our ecclesiastical institutions.

A very important document is printed by Sir Henry Spelman in his Glossary, under the head *Hida*. In its present condition it is comparatively modern, but many of the entries supply us with information obviously derived from the most remote antiquity, and these it becomes proper to take into consideration. The document seems to have been intended as a guide either to the taxation or the military force of the kingdom, and professes to give the number of hides of land contained in the various districts. It runs as follows [1]:

	Hydas.		Hydas.
Myrcna *continet*	30000	Lindesfarona . .	7000
Wokensetna . .	7000	Súð Gyrwa . .	600
Westerna . . .	7000	Norð Gyrwa . .	600
Pecsetna . . .	1200	Eást Wixna . .	300
Elmedsetna . .	600	West Wixna . .	600

[1] I have not adhered strictly to Spelman's copy, the details of which are in several cases incorrect, but have collated others where it seemed necessary.

	Hydas.		Hydas.
Spalda . . .	600	Unecunga . .	1200
Wigesta . . .	900	Arosetna . .	600
Herefinna . . .	1200	Fearfinga . .	300
Sweordora . .	300	Belmiga . . .	600
Eysla	300	Wiðeringa . .	600
Hwicca . . .	300	East Willa . .	600
Wihtgara . . .	600	West Willa . .	600
Noxga gá . . .	5000	Eást Engle . .	30000
Ohtga gá . . .	2000	Eást Seaxna . .	7000
Hwynca . . .	7000	Cantwarena . .	15000
Cilternsetna . .	4000	Súð Seaxna . .	7000
Hendrica . . .	3000	West Seaxna .	100000[1]

The entries respecting Mercia, Eastanglia and Wessex could hardly belong to any period anterior to that of Ælfred. For Mercia previous to the Danish wars must certainly have contained more than 30,000 hides: while Eastanglia cannot have reached so large a sum till settled by Guðorm's Danes: nor is it easy to believe that Wessex, apart from Kent and Sussex, should have numbered one hundred thousand in the counties of Surrey, Hampshire, Dorset, Wiltshire, with parts of Berkshire, Somerset and Devon, much before the time of Æðelstán[2]. A remarkable variation is found between the amounts stated in this list and those given by Beda, as respects some of the entries: thus Mercia, here valued at 30,000 hides, is reckoned in the Ecclesiastical History at 12,000

[1] The total sum thus reckoned is 243,600 hides.

[2] About the year 647, Wessex numbered only 9000 hides.

only[1]: Hwiccas are reckoned at 300: they contained 600 hides; Wight, reckoned at 600, contained 1200. On the other hand Kent and Sussex are retained at the ancient valuation.

It is nevertheless impossible to doubt that the greater number of the names recorded in this list are genuine, and of the highest antiquity. A few of them can be recognized in the pages of very early writers: thus Gyrwa, Elmet, Lindisfaran, Wihtgare, and Hwiccas, are mentioned by Beda in the eighth century. Some we are still able to identify with modern districts.

Mercia I imagine to be that portion of Burgred's kingdom, which upon its division by the victorious Danes in 874, they committed as a tributary royalty to Ceólwulf; which subsequently came into the hands of Ælfred, by the treaty of Wedmor in 878, and was by him erected into a duchy under his daughter Æðelflæd, and her husband. Wocensetna may possibly be the Gá of the Wrocensetan, the people about the Wrekin or hill-country of Somerset, Dorset and Devon. The Pecsetan appear to be the inhabitants of the Peakland, or Derbyshire: the Elmedsetan, those of Elmet, the ancient British Loidis, an independent district in Yorkshire: Lindisfaran are the people of Lindisse, a portion of Lincolnshire: North and South Gyrwa were probably in the Mark between Eastanglia and Mercia:

[1] The twelve thousand hides counted by Beda (Hist. Eccl. iii. 24) to the South and North Mercians may however be exclusive of the West-angles and other parts of the great Mercian kingdom.

as Peterborough was in North Gyrwa land, this must have comprised a part of Northamptonshire: and Æðelðrýð derived her right to Ely from her first husband, a prince of the South Gyrwians; this district is therefore supposed to have extended over a part of Cambridgeshire and the isle of Ely. Spalda may be the tract stretching to the north-east of these, upon the river Welland, in which still lies Spalding. The Hwiccas occupied Worcestershire and Gloucestershire[1], and perhaps extended into Herefordshire, to the west of the Severn. The Wihtgaras are the inhabitants of the Isle of Wight; and the Cilternsetan were the people who owned the hill and forest land about the Chilterns, verging towards Oxfordshire, and very probably in the Mark between Mercia and Wessex.

I fear that it will be impossible to identify any more of these names, and it does not appear probable that they supply us with anything like a complete catalogue of the English Gás. Setting aside the fact, that no notice seems to be taken of Northumberland, save the mention of the little principality of Elmet, and that the local divisions of Eastanglia, Kent, Essex, Sussex and Wessex, are passed over in the general names of the kingdoms, we look in vain among them for names, known to us from other sources, and which can hardly have

[1] Cirencester was in the south of Hwiccas. Gloucester, Worcester, and Pershore were all in this district. It was separated from Wiltshire in Wessex by the Thames, and the ford at Cricklade was a pass often disputed by the inhabitants of the border-lands.

been other than those of Gás. Thus we have no mention of the Tonsetan, whose district lay apparently upon the banks of the Severn[1]; of the Meanware, or land of the Jutes, in Hampshire; of the Mægsetan, or West Hecan, in Herefordshire; of the Merscware in West Kent; or of the Gedingas, who occupied a tract in the province of Middlesex[2]. Although it is possible that these divisions are included in some of the larger units mentioned in our list, they still furnish an argument that the names of the Gás were much more numerous than they would appear from the list itself, and that this marks only a period of transition.

It is clear that when Malmsbury mentions thirty-two shires as making up the whole of England, he intends only England south of the Humber. The list we have been examining contains thirty-four entries; of all the names therein recorded, one only can be shown to lie to the north of that river: from this however it is not unreasonable to suppose that the whole of England is intended to be comprised in the catalogue. Even admitting this, we cannot but conclude that these divisions were more numerous than our shires, seeing that large districts, such as Mercia, Wessex and Eastanglia, are entered only under one general head respectively.

The origin of the Gá in the federal union of two or more Marks is natural, and must be referred to periods far anterior to any historical record: that of the division into Shires, as well as the period at which this arose, are less easily determined.

[1] Cod. Dipl. No. 261. [2] Cod. Dipl. No. 101.

But we have evidence that some division into shires was known in Wessex as early as the end of the seventh or beginning of the eighth century, since Ini provides for the case where a plaintiff cannot obtain justice from his shireman or judge[1]; and the same prince declares that if an ealdorman compounds a felony, he shall forfeit his shire[2]; while he further enacts that no man shall secretly withdraw from his lord into another shire[3]. As it will be shown hereafter that a territorial jurisdiction is inseparably connected with the rank of a duke or ealdorman, I take the appearance of these officers in Mercia, during the same early period, to be evidence of the existence of a similar division there. Its cause appears to me to lie in the consolidation of the royal power. As long as independent associations of freemen were enabled to maintain their natural liberties, to administer their own affairs undisturbed by the power of strangers, and by means of their own private alliances to defend their territories and their rights, the old division into Gás might continue to exist. But the centralization of power in the hands of the king implies a more artificial system. It is more convenient for judicial and administrative purposes, more profitable, and more safe for the ruler, to have districts governed by his own officers, and in which a territorial unity shall supersede the old bonds of kinsmanship: centralization is hardly compatible with family tradition. The members of the Gá met as associated

[1] Ini, § 8. Thorpe, i. 106.
[2] Ini, § 36. Thorpe, i. 124.
[3] Ini, § 39. Thorpe, i. 126.

freemen, under the guidance of their own natural leaders, and formed a substantive unit or small state, which might, or might not, stand in relations of amity to similar states. The Shire was a political division, presided over by an appointed officer, forming part only of a general system, and no longer endowed with the high political rights of self-government, in their fullest extent. I can imagine the Gá, but certainly not the Shire, declaring war against a neighbour. As long as the Gá could maintain itself as a little republic, principality, or even kingdom, it might subsist unscathed: but as the smaller kings were rooted out, their lands and people incorporated with larger unions, and powerful monarchies rose upon their ruins, it is natural that a system of districts should arise, based entirely upon a territorial division. Such districts, without peculiar, individual character of their own, or principle of internal cohesion, must have appeared less dangerous to usurpation than the ancient gentile aggregations.

CHAPTER IV.

LANDED POSSESSION. THE EÐEL, HI'Ð OR ALOD.

Possession of a certain amount of land in the district was the indispensable condition of enjoying the privileges and exercising the rights of a freeman[1]. There is no trace of such a qualification as

[1] Even till the latest period, personal property was not reckoned in the distinction of ranks, although land was. No amount of mere chattels, gold, silver, or goods, could give the Saxon franchise. See the ordinance Be Wergyldum, § 10. Be Geþinc̃um, § 2. Thorpe, i. 189, 191. This is a fundamental principle of Teutonic law: "Ut nullum liberum sine mortali crimine liceat inservire, nec de haereditate sua expellere; sed liberi, qui iustis legibus deserviunt, sine impedimento haereditates suas possideant. Quamvis pauper sit, tamen libertatem suam non perdat, nec haereditatem suam, nisi ex spontanea voluntate, se alicui tradere voluerit, hoc potestatem habeat faciendi." Lex Alam. Tit. I. cap. 1. Lex Baiovar. Tit. 6. cap. 3. § 1. Eichhorn, i. 328, note *d*. Loss of land entailed loss of condition in England, long after the establishment of our present social system. A beautiful passage to this effect occurs in the play of "A Woman killed with kindness": a gentleman refuses to part with his last plot of ground, on this account:

> "Alas, alas! 't is all trouble hath left me
> To cherishe me and my poor sister's life.
> If this were sold, our names should then be quite
> Razed from the bedroll of gentility.
> You see what hard shift we have made to keep it
> Allied still to our own name. This palm, you see,
> Labour hath glow'd within; her silver brow,
> That never tasted a rough winter's blast
> Without a mask or fan, doth with a grace
> Defy cold winter and his storms outface!"

constituted citizenship at Athens or Rome: among our forefathers, the exclusive idea of the *city* had indeed no sway. They formed voluntary associations upon the land, for mutual benefit; the qualification by birth, as far as it could be of any importance, was inferred from the fact of admission among the community; and *gelondan*, or those who occupied the same land, were taken to be connected in blood[1]. An inquiry into the pedigree of a man who presented himself to share in the perils of the conquest or the settlement, would assuredly have appeared superfluous; nor was it more likely to be made, when secure enjoyment came to reward the labours of invasion. In fact the Germanic settlements, whether in their origin isolated or collective, are based throughout upon the idea of common property in land. It is not the city, but the country, that regulates their form of life and social institutions: as Tacitus knew them, they bore in general the character of disliking cities: "It is well enough known," he says, "that none of the German populations dwell in cities; nay that they will not even suffer continuous building, and house joined to house. They live apart, each by himself, as the woodside, the plain or the fresh spring attracted him"[2]. Thus the Germanic community is in some sense *adstricta glebae*, bound to the soil:

[1] In MS. glossaries we find *gelondan* rendered by *fratrueles*. In advanced periods only can there be a distinction between the family, and the local, distributions: Suidas, citing Xanthus, says the Lydians made a solemn supplication to the gods, *παγγενεί τε καὶ πανδημεί*. See Niebuhr on the Patrician Houses, i. 267.

[2] Mor. Germ. c. 16.

its members are sharers in the arable, the forest and the marsh, the waters and the pastures: their bond of union is a partnership in the advantages to be derived from possession of the land, an individual interest in a common benefit.

The district occupied by a body of new settlers was divided by lot in various proportions[1]. Yet it is certain that not all the land was so distributed; a quantity sufficient to supply a proper block of arable[2] to each settler, was set apart for division; while the surplus fitted for cultivation, the marshes and forests less suited to the operations of the plough, and a great amount of fine grass or meadow-land, destined for the maintenance of cattle, remained in undivided possession as commons. At first too, it is clear from what has been said in the second chapter, that considerable tracts were left purposely out of cultivation to form the marches or defences of the several communities. But those alone whose share in the arable demonstrated them

[1] The traces of this mode of distribution are numerous. Hengest forcibly occupying the Frisian territory, is said to do so, elne, unhlytme, violently and without casting of lots. Beów. l. 2187, 2251. The Law of the Burgundians calls hereditary land, "terra sortis titulo acquisita," in contradistinction to chattels taken by purchase. Lex Burg. Tit. 1. cap. 1, 2. Eichhorn, i. 360, 400, note *a*. Godred, having subdued the Manxmen, divided their land among his followers by lot. "Godredus sequenti die obtionem exercitui suo dedit, ut si mallent Manniam inter se dividere, et in ea habitare; vel cunctam substantiam terrae accipere, et ad propria remeare." Chron. Manniac. (Cott. MS. Jul. A. VII. fol. 32.) Upon the removal of St. Cuðberht's relics to Durham, the first care was to eradicate the forest that covered the land; the next, to distribute the clearing by lot: "eradicata itaque silva, et unicuique mansionibus sorte distributis," etc. Simeon. Hist. Dunelm. Eccl. § 37.

[2] Words denoting measures of land have very frequently reference to the plough: thus geóc, furlang, sulung, aratrum, carucata, etc.

to be members of the little state, could hope to participate in the advantages of the commons of pasture: like the old Roman patricians, they derived from their *haeredium* benefits totally incommensurate with its extent. Without such share of the arable, the man formed no portion of the state; it was his franchise, his political qualification, even as a very few years ago, a freehold of inconsiderable amount sufficed to enable an Englishman to vote, or even be voted for, as a member of the legislature,—to be, as the Greeks would call it, in the πολιτεία,—a privilege which the utmost wealth in copyhold estates or chattels could not confer. He that had no land was at first unfree: he could not represent himself and his interests in the courts or assemblies of the freemen, but must remain in the *mund* or hand of another[1],—a necessary consequence of a state of society in which there is indeed no property but land, in other words, no market for its produce.

From the mode of distribution it is probable that each share was originally called Hlyt (*sors*, κλῆρος), it derived however another and more common name from its extent and nature. The ordinary Anglosaxon words are Higid[2] (in its contracted and almost universal form Híd) and Hiwisc. The Latin equivalents which we find in the chronicles and charters are, *familia*, *cassatus*, *mansus*, *mansa*,

[1] προστάτου γεγράφθαι, to be enrolled under some one's patronage: to be in his *mund and borh*. ὥστ' οὐ Κρέοντος προστάτου γεγράψομαι. Œd. Tyr. 411.

[2] Cod. Dipl. No. 240.

mansio, *manens* and *terra tributarii*. The words Híd and Hiwisc are similar, if not identical, in meaning: they stand in close etymological relation to Higan, Hiwan, the family, the man and wife, and thus perfectly justify the Latin terms *familia* and *cassatus*[1], by which they are translated. The Híd then, or Hide of land, is the estate of one household, the amount of land sufficient for the support of one family[2]. It is clear however that this could not be an invariable quantity, if the households were to be subsisted on an equal scale: it must depend upon the original quality and condition of the soil, as well as upon manifold contingencies of situation—climate, aspect, accessibility of water and roads, abundance of natural manures, proximity of marshes and forests, in short an endless catalogue of varying details. If therefore the Hide contained a fixed number of acres all over England, and all the freemen were to be placed in a position of equal prosperity, we must assume that in the less favoured districts one Hide would not suffice for the establishment of one man, but that his allotment must have comprised more than that quantity. The first of these hypotheses may be very easily disposed of: there is not the slightest ground for supposing that any attempt was, or

[1] *Cassatus* or *Casatus*, a married man, Span. *Casado*. Othello speaks of his *unhoused* free condition, that is, his bachelor state. It is by marriage that a man founds a house or family.

[2] Henry of Huntingdon thus defines its extent: "Hida autem Anglice vocatur terra unius aratri cultura sufficiens per annum." lib. vi. an. 1008. But this is a variable amount on land of various qualities, as every ploughman well knows.

could be, made to regulate the amount of individual possession beyond the limit of each community; or that there ever was, or could be, any concert between different communities for such a purpose. The second supposition however presents greater difficulties.

There is no doubt a strong antecedent improbability of the Hide having been alike all over England: isolated as were the various conquests which gradually established the Saxon rule in the several districts, it can hardly be supposed that any agreement was at first found among bands, engaged in continual struggles for safety, rather than for extension of territory. It may indeed be objected that later, when the work of conquest had been consolidated, when, under the rule of powerful chieftains, the resistance of the Britons had ceased to appear dangerous, some steps may have been taken towards a general arrangement; those historians who please themselves with the phantom of a Saxon confederation under one imperial head,—a Bretwaldadóm—may find therein an easy solution of this, and many other difficulties[1]: but still it seems little likely that the important step of dividing the country should have been postponed, or that a successful body of invaders should have thought it necessary to wait for the consent or co-operation of others, whose ultimate triumph was yet uncertain.

[1] It does not seem very clear why the idea of *one* measure of land should suggest itself to either many such chieftains or one such Bretwalda, while other arrangements of a much more striking and necessary character remained totally different.

Experience of human nature would rather incline us to believe that, as each band wrung from the old masters of the soil as much as sufficed for its own support and safety, it hastened to realize its position and marked its acquisition by the stamp and impress of individual possession. It is moreover probable that, had any solemn and general agreement been brought about through the influence of any one predominant chief, we should not have been left without some record of a fact, so beneficial in itself, and so conclusive as to the power and wisdom of its author: this we might not unreasonably expect, even though we admit that such an event could only have taken place at the very commencement of our history, and that such a division, or, what is more difficult still, redivision of the soil, is totally inconsistent with the state of society in England at any period subsequent to A.D. 600: but these are precisely the cases where the mythus replaces and is ancillary to history.

Against all these arguments we have only one fact to adduce, but it is no light one. It is certain that, in all the cases where a calculation can be made at all, we do find a most striking coincidence with respect to the size of the Hide in various parts of England; that such calculation is applicable to very numerous instances, and apparently satisfies the conditions of the problem in all; and lastly that there appears no reason to suppose that any such real change had taken place in the value of the Hide, down to the period of the Norman conquest and the

compilation of Domesday, according to the admeasurement of at least the largest and the most influential of the English tribes[1]. The latest of these measurements are recorded in Domesday; the earliest by Beda: the same system of calculations, the same results, apply to every case in which trial has been made between these remote limits; and we are thus enabled to ascend to the seventh century, a period at which any equality of possessions is entirely out of the question, but at which the old unit of measurement may still have retained and handed down its original value: even as, with us, one farm may comprise a thousand, another, only two or three hundred acres, yet the extent of the acre remain unaltered.

How then are we to account for this surprising fact, in the face of the arguments thus arrayed against it? I cannot positively assert, but still think it highly probable, that there was some such general measure common to the Germanic tribes upon the continent, and especially in the north. Whether originally sacerdotal, or how settled, it is useless to guess; but there does seem reason to be-

[1] Beda almost invariably gives his numbers as "iuxta mensuram Anglorum." But in his works *Angli* denotes all the Teutonic inhabitants of Britain. H. E. i. cap. 1. Again, in Bk. i. cap. 15, he identifies them, "Anglorum sive Saxonum gens." He draws no distinction between Angle and Saxon tribes, except where special reasons lead him to particularize them. He does note discrepancies between them, which would have appeared far less important to a scientific and mathematical thinker, as he was, than differences in land-divisions. I conclude then that no limitation can be admitted in his assertion, and that the words "iuxta mensuram Anglorum" denote, according to the admeasurement common to all the Germanic inhabitants of Britain.

lieve that a measure not widely different from the result of my own calculations as to the Hide, prevailed in Germany; and hence to conclude that it was the usual basis of measurement among all the tribes that issued from the storehouse of nations[1].

What was the amount then of the Hide among the Anglosaxons? Perhaps the easiest way of arriving at a trustworthy conclusion will be to commence with the Anglosaxon acre, and other subdivisions of the Hide and the acre itself.

There is reason to believe that the latter measure implied ordinarily a quantity of land not very different in amount from our own statute acre[2]. I argue this from a passage in the dialogue attributed to Ælfric, where the ploughman is made to say: "ac geiúcodan oxan and gefæstnodan sceare and cultre mid ðære syl ælce dæg ic sceal erian fulne æcer oððe máre;" that is, "having yoked my oxen, and fastened my share and coulter, I am bound to plough every day a full acre or more." Now expe-

[1] I do not know the present average amount of a Frisian or Westphalian *Hof*, but the peasant-farms a little below Cologne, on the left bank of the Rhine, average from 30 to 50 acres. See Banfield, Agricult. Rhine, p. 10. The Bavarian *Hof* of two *Huben* contains from 50 to 60 *juckert* (each *juckert* equal to 40,000 square Bavarian feet, or nearly a *jugerum*). This brings the *Hof* from about 36 to 40 acres. See Schmeller, Baierisch. Wörterbuch, ii. 142, *voc.* Hueb. Schmeller's remarks on *Hof* are worth consulting, and especially his opinion that it may mean a *necessary* measure or portion. See also Grimm, Rechtsalt. p. 535.

[2] That it was a fixed and not a variable quantity, both as to form and extent, seems to follow from the expressions, *three acres wide* (Cod. Dipl. No. 781), iii acera brædc, i. e. *three acres breadth* (Leg. Æðelst. iv. 5), ix *acræ latitudine*. Leg. Hen. I. cap. xvi.

rience proves[1] that a plough drawn by oxen will hardly exceed this measure upon average land at the present day; an acre and a quarter would be a very hard day's work for any ploughman under such circumstances. Hence for all practical purposes we may assume our actual acre not to differ very materially from the Anglosaxon. And now, how is an acre constituted?

It has many divisors, all multiplying into the required sum of 4840 square yards. Thus, it is clear that a length of 4840 yards, with a breadth of one yard, is quite as much an acre as a length of 220 yards with a breadth of 22, (in other words, ten chains by one, or $22 \times 10 \times 22$,) the usual and legal computation: that is to say, twenty-two strips of land each 220 yards long and one wide, if placed together in any position will make up an acre. Placed side by side they will make an oblong acre whose length and breadth are as 10 : 1. A space rather more than sixty-nine and less than seventy yards in each side would be a square acre; it is however not probable that the land generally allowed of square divisions, but rather that the portions were oblong, a circumstance in favour of the ploughman, whose labour varies very much with the length of the furrow.

The present divisors of the acre are 5·5 and 40; combinations of these numbers make up the parts not only of the acre or square measure, but also

[1] These calculations rest not only upon the authority of several large, practical farmers, and the opinions of intelligent ploughmen who have been consulted, but also upon experiments made under the author's own eye, on land of different qualities.

the measure of length. Thus $5{\cdot}5 \times 40 = 220$, which taken in yards are one furlong, and which with one yard's breadth are $\frac{1}{22}$ of an acre. Again, forty times 5·5 yards with a breadth of 5·5 yards (or $220 \times 5{\cdot}5$) are 1210 yards square, ·25 of an acre: twice that, or forty times 5·5 with a breadth of eleven yards are ·5 acre: and twice that, or 220×20 (that is in modern surveying ten chains by one) = 4840 yards or the whole acre. The same thing may be expressed in another way: we may assume a square of 5·5 yards, which is called a rod, perch or pole: forty of these make a rood, which is a furlong with a breadth of 5·5 yards; and four such roods, or a furlong with a breadth of twenty-two yards, are an acre of the oblong form described above, and which is still the normal or legal acre.

My hypothesis goes on to assume that such, or nearly such, were the elements of the original calculation: in fact, that they were entirely so, with the substitution only of 5 for 5·5 as a factor. It remains to be asked why these numbers should be fixed upon? Probably from some notion of the mystical properties of the numbers themselves. Forty and eight are of continual recurrence in Anglosaxon tradition, and may be considered as their sacerdotal or mythical numbers: forty divided by eight gives a quotient of five; and these may have been the original factors, especially if, as there is every reason to believe, the first division of lands (whether here or on the continent matters not) took place under the authority and with the assistance of the heathen priesthood.

If this were so, the Saxon acre very probably

consisted of $5\times5\times40\times4=4000$ square yards[1]; in which case the rod would be 25 yards square, and the furlong 200 yards in length. At the same time as the acres must be considered equal for all the purposes of useful calculation, 4000 Saxon square yards = 4840 English, 5 Saxon = 5·5 English, and 200 Saxon=220 English yards. Further, the Saxon yard=1·1 English, or 39·6 inches. This I imagine to be the metgyrde or measuring-yard of the Saxon Laws[2]. If then we take $5\times5\times40$ yards we have a block of land, 200 Saxon yards in length, and five in breadth; and this I consider to have been the Saxon square Furlang or small acre, and to have been exactly equal to our rood, the quarantena of early calculations[3]. There is no doubt whatever of the Saxon furlang having been a square as well as long measure[4]; as its name denotes, it is the

[1] I think, for reasons to be assigned below, that there was a small as well as large acre: in which case the small acre was probably made up of $5\times5\times40=1000$ a.

[2] The yard of land was a very different thing: this was the fourth part of the Hide, the Virgata of Domesday.

[3] This seems clear from a comparison of two passages already quoted in a note, but which must here be given more at length. The law of Æðelstán defines the king's peace as extending from his door to the distance on every side of three miles, three *furlongs*, three acres' breadth, nine feet, nine palms, and nine barleycorns. The law of Henry gives the measurements thus: "tria miliaria, et tres *quarantenae*, et ix (? iii) acrae latitudine, et ix pedes et ix palmae, et ix grana ordei." Thus the furlang and quarantena are identified. But it is also clear that the series is a descending one, and consequently that the furlang or quarantena is longer than the breadth of an acre. If, as is probable, it is derived from *quarante*, I should suppose three lengths and three breadths of an acre to have been intended; in fact that some multiple of forty was the longer side of the acre.

[4] In one case we hear of ðа beán-furlang, the furlong under bean-cultivation. Cod. Dipl. No. 1246.

length of a furrow: now 220 (=200 Saxon) yards is not at all too long a side for a field in our modern husbandry[1], and is still more readily conceivable in a less artificial system, where there was altogether less enclosure, and the rotations of crops were fewer. Five yards, or five and a half, is not too much space to allow for the turn of the plough; and it therefore seems not improbable that such an oblong block (200 × 5) should have been assumed as a settled measure or furlong for the ploughman, two being taken alternately, as is done at this day, in working, and forming a good half-day's work for man and beast: the length of the furrow, by which the labour of the ploughman is greatly reduced, being taken to compensate for the improved character of our implements.

I think it extremely probable that the Saxons had a large and a small acre, as well as a large and small hundred, and a large and small yard: and also that the quarantena or rood was this small acre. Taking forty quarantenae we have a sum of ten large acres, and taking three times that number we have 120 quarantenae, or a large hundred of small acres = 30 large acres, giving ten to each course of a threefold system of husbandry. This on the whole seems a near approximation to the value of the Hide of land; and the calculation of small acres would then help to account for the

[1] A square of 220 yards would form a field of ten acres, which is not at all oversized. Since the happy downfall of the corn-laws, which were a bonus upon bad husbandry, hedges are being rooted up in every quarter, and forty or fifty acres may now be seen in single fields, where they were not thought of a few years ago.

number of 120 which is assigned to the Hide by some authorities[1].

In the appendix to this chapter I have given various calculations to prove that in Domesday the value of a Hide is forty Norman acres. It has been asserted that 100 Saxon=120 Norman acres, and if so 40 Norman=$33\frac{1}{3}$ Saxon: which does not differ very widely from the calculation given above.

It must be borne in mind that the Hide comprised only arable land: the meadow and pasture was in the common lands and forests, and was attached to the Hide as of common right: under these circumstances if the calculation of thirty, thirty-two or thirty-three acres be correct, we shall see that ample provision was made for the family[2].

Let us now apply these data to places of which we know the hidage, and compare this with the modern contents in statute-acres.

According to Beda[3] the Isle of Wight contained 1200 hides or families: now the island contains 86,810 acres, which would give $72\frac{1}{3}$ acres per hide. But only 75,000 acres are under cultivation now, and this would reduce our quotient to 62·5 acres. On the hypothesis that in such a spot as the Isle

[1] See Ellis, Introd. to Domesday.

[2] The numbers given are assumed, upon the supposition that 3×40 were taken: or that 4×8, that is four virgates of eight acres; or lastly that thirty-three Saxon = nearly forty Norman were taken. As I am about to test the actual acreage of England by these numbers, it is as well to try them all. The practical result cannot vary much, and the principal object is to show that the Saxon Hide was not very different from the ordinary German land-divisions.

[3] Hist. Eccl. iv. 16.

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of Wight (in great portions of which vegetation is not abundant) our Saxon forefathers had half as much under cultivation as we now have, we should obtain a quotient of about thirty-one acres to the hide, leaving 49,610 acres of pasture, waste, etc.: the ratio between the cultivated and uncultivated land, being about 37 : 49, is much too near equality for the general ratio of England, but may be accounted for by the peculiar circumstances of the island.

Again, Beda estimates Thanet at 600 hides[1]. Now Thanet, at this day, contains 23,000 acres of arable land, and 3,500 of marsh and pastures. The latter must have been far more extensive in the time of Beda, for in the first place there must have been some land on the side of Surrey and Sussex reserved as Mark, and we know that drainage and natural causes have reclaimed considerable tracts in that part of Kent[2]; nor is it reasonable to suppose that our forefathers ploughed up as much land as we do. Yet even 23,000 acres will give us only $38\frac{1}{3}$ acres to the hide; and I do not think we shall be venturing too much in placing the 3200, 3800 or 5000 acres by which 23,000 respectively exceed 19,800, 19,200 and 18,000, to the account of pastures and commons. Seven or eight thousand acres of common land would bear in fact so unusually small a proportion to the quantity under crop, that we should be disposed to suspect the islanders of having been less wealthy than many

[1] Hist. Eccl. i. 25.

[2] The river Wantsum alone was three stadia wide, about a third of a mile, and was passable at two points only. Bed. Hist. Eccl. i. 25.

of their neighbours, unless we give them credit for having sacrificed bread crops to the far more remunerative pasturage of cattle[1].

The whole acreage of Kent is 972,240 acres. What amount of this must be deducted for waste, rivers, roads and towns I cannot say, but some deduction is necessary. Now Kent numbered 15,000 hides: this gives a quotient of 64 to 65 acres per hide; and at the least, one half of this may fairly be taken off for marsh, pasture and the weald of Andred.

The calculation for Sussex is rendered uncertain in some measure, through our ignorance of the relative proportion borne by the *weald* in the seventh century or earlier, to its present extent. The whole county is computed at 907,920 acres, and the weald at 425,000 acres. We may be assured that every foot of the weald was forest in the time of Beda: to this must be added 110,000 acres which are still waste and totally unfit for the plough: 30,000 acres now computed to be occupied by roads, buildings, etc. may be neglected: our amount will therefore state itself thus:

Whole acreage	907,920
Weald and waste	535,000
	372,920 acres.

[1] The great fertility of Thanet is noticed by the ancients. Solinus (cap. xxii.) calls it "frumentariis campis felix et gleba uberi." But corn is of no value without a market; and unless London or the adjacent parts of the continent supplied one, I must still imagine that the islanders did not keep so great an amount in arable. It is true that at very early periods a good deal of corn was habitually exported from Britain: "annona a Britannis sueta transferri." Ammian. Hist. xviii. 2.

Now Sussex contained 7000 hides[1], and this will give us a quotient of 53·25 acres per hide. Here again, if we make allowance for the condition of Saxon husbandry, we shall hardly err much in assuming something near thirty to thirty-three acres to have been the arable hide in Sussex.

When once we leave the accurate reports of a historian like Beda for the evidence of later manuscripts, we must necessarily proceed with great caution, and in reasonable distrust of our conclusions. This must be borne in mind and fairly appreciated throughout the following calculations.

An authority already mentioned[2] computes the number of hides in Eastanglia at 30,000. It is difficult to determine exactly what counties are meant by this, as we do not know the date of the document; but supposing, what is most probable, that Norfolk and Suffolk are intended, we should have a total of 2,241,060 acres in those two great farming districts[3]. But even this large amount will only give us a quotient of 73·7 acres per hide, and it may fairly be diminished by at least one half, to account for commons, marshes, forests and other land not brought under the plough from the seventh to the tenth centuries.

The same table states Essex at 7000 hides. The acreage of that county is 979,000 acres[4], hence

[1] Beda, Hist. Eccl. iv. c. 13. [2] See Chap. III. p. 82.

[3] Norf. 1,292,300, Suff. 918,760, =2,241,060. Of these I believe only about 2,000,000 are actually under cultivation, which would reduce the quotient to sixty-three and two-third acres per hide.

[4] Of which only 900,000 are computed to be now under cultivation: this reduces the quotient to 128·5 acres per hide; and the ratio of cul-

upon the whole calculation we shall have 139$\frac{6}{7}$ acres per hide. But of course here a very great deduction is to be made for Epping, Hainault and other forests, and for marshy and undrained land.

I shall now proceed to reverse the order of proceeding which has hitherto been adopted, and to show that the hypothesis of the hide having comprised from thirty to thirty-three acres is the only one which will answer the conditions found in various grants: that in a number of cases from very different parts of England, a larger number of acres would either be impossible or most improbable: that it is entirely impossible for the hide to have reached 120 or even 100 acres, and that the amount left after deducting the arable, to form pastures and meadows, is by no means extravagant. The examples are taken from different charters printed in the Codex Diplomaticus Ævi Saxonici, and for convenience of reference are arranged tabularly. The comparison is made with the known acreage, taken from the Parliamentary return of 1841[1]. The table is constructed upon the following plan. The first column contains the name of the place; the second, the number of hides; the third, the actual acreage; the fourth, fifth, sixth, seventh and eighth, the hides calculated at thirty, thirty-two,

tivated to uncultivated land is as 7 : 23, taking the hide at 30 acres; and as 77 : 223 taking the hide at 33 acres.

[1] Enumeration Abstract, etc., 1841. I have also used the tables found in Mr. Porter's Progress of the Nation; in these however, the total acreage, calculated apparently upon the square miles, differs slightly from the results of the Government inquiry, Mr. Porter's numbers always exceeding those of the *Blue-book*.

thirty-three, forty and one hundred acres respectively; the ninth, tenth, eleventh and twelfth, the excess of real over supposed acreage, at the first four amounts; the thirteenth, the excess of hidage over real acreage on the hypothesis of one hundred acres

Name.	No. of hides.	Actual acreage.	Acreage at 30.	Acreage at 32.	Acreage at 33.	Acreage at 40.	Acreage at 100.	Excess at 30.
Trotterscliff..... Kent.	12	1150	360	384	396	480	1200	790
Dailesford ..... Kent.	6	540	180	192	198	240	600	360
Sunningwell ..... Berks.	15	1200	450	480	495	600	1500	750
Denchworth..... Berks.	30	2800	900	960	990	1200	3000	1900
Gravency ..... Kent.	32	1920	960	1024	1056	1280	3200	960
Marcham ..... Berks.	50	4940	1500	1600	1650	2000	5000	3440
Kington..... Wilts.	40	2320	1200	1280	1320	1600	4000	1120
Kington..... Wilts.	40	3950	1200	1280	1320	1600	4000	2750
Petersham ..... Surrey.	10	660	300	320	330	400	1000	360
Brokenborough... Wilts.	50	2950	1500	1600	1650	2000	5000	1450
Alresford ..... Hants.	40	1250	1200	1280	1320	1600	4000	50
Alresford ..... Hants.	40	3660	1200	1280	1320	1600	4000	2460
Whitchurch ..... Hants.	110	7330	3300	3520	3630	4400	11000	4030
Beddington ..... Surrey.	70	3830	2100	2240	2310	2800	7000	1730
Compton ..... Dorset.	40	1390	1200	1280	1320	1600	4000	190
Compton ..... Dorset.	40	1520	1200	1280	1320	1600	4000	320
Sanderstead ..... Surrey.	32	2250	960	1024	1056	1280	3200	1290
Clapham ..... Surrey.	30	1070	900	960	990	1200	3000	170
Clapham ..... Surrey.	30	1920	900	960	990	1200	3000	1020
Micheldever ..... Hants.	100	9340	3000	3200	3300	4000	10000	6340
Wrington ..... Somers.	20	1530	600	640	660	800	2000	930
Barrow on Humb. Linc.	50	4620	1500	1600	1650	2000	5000	3120
Chertsey ..... Surrey.	200	10020	6000	6400	6600	8000	20000	4020
Sutton ..... Surrey.	30	1830	900	960	990	1200	3000	930
Aldingbourn ..... Sussex.	38	3800	1140	1216	1254	1520	3800	1940
Ferring ..... Sussex.	12	1070	360	384	396	480	1200	710
Denton ..... Sussex.	25	890	750	800	825	1000	2500	140
Bradfield..... Berks.	48	4270	1440	1536	1584	1920	4800	2830
Aston..... Berks.	55	2030	1650	1760	1815	2200	5500	380
Charing ..... Kent.	60	4060	1800	1920	1980	2400	6000	2260
King's Worthy ... Hants.	30	2190	900	960	990	1200	3000	1290
Hurstborne Prior. Hants.	60	3070	1800	1920	1980	2400	6000	1270
Newnton ..... Wilts.	10	810	300	320	330	400	1000	510
Garford ..... Berks.	15	1170	450	480	495	600	1500	720
Mordon ..... Surrey.	20	1700	600	640	660	800	2000	1100
Blewbury ..... Berks.	100	6950	3000	3200	3300	4000	10000	3950
Sotwell ..... Berks.	15	1310	450	480	495	600	1500	860
Goosey ..... Berks.	10	850	300	320	330	400	1000	550
Hanney, East ..... Berks.	20	600	600	640	660	800	2000	0
Hanney, West..... Berks.	20	1390	600	640	660	800	2000	790
Badgworth..... Somers.	25	1470	750	800	825	1000	2500	720
Drayton ..... Berks.	20	1950	600	640	660	800	2000	1350
Barton ..... Berks.	40	3590	1200	1280	1320	1600	4000	2390

per hide; the fourteenth, fifteenth, sixteenth and seventeenth, the ratios of hidage at thirty, thirty-two, thirty-three and forty, to the excess, from which we deduce the proportion between the arable, and the meadow, pasture and waste. In a few in-

Excess at 32.	Excess at 33.	Excess at 40.	Excess at 100.	Rat. at 30.	Rat. at 32.	Rat. at 33.	Rat. at 40.
776	754	670	−50	36 : 79	38 : 77	39 : 75	48 : 67
348	342	300	−60	1 : 2	15 : 29	10 : 19	4 : 5
720	705	600	−300	3 : 5	5 : 8	30 : 47	1 : 1
1840	1810	1600	−200	9 : 19	12 : 23	96 : 181	3 : 4
896	864	640	−1280	1 : 1	8 : 7	11 : 9	2 : 1
3340	3290	2940	−60	75 : 172	80 : 167	165 : 329	100 : 147
1040	1000	720	−1680	15 : 14	65 : 52	67 : 50	20 : 9
2670	2630	2350	−50	24 : 55	130 : 267	134 : 263	32 : 47
340	330	260	−340	5 : 6	16 : 17	1 : 1	20 : 13
1350	1300	950	−2050	30 : 29	32 : 27	33 : 26	40 : 19
−30	−70	−350	−2750	24 : 1	128 : 5	132 : 5	0
2380	2340	2060	−340	20 : 41	64 : 119	66 : 117	80 : 103
3810	3700	2930	−3670	330 : 403	352 : 381	363 : 370	440 : 293
1590	1520	1030	−3170	210 : 173	224 : 159	231 : 152	280 : 103
110	70	−210	−2610	120 : 19	128 : 11	132 : 7	0
240	200	−80	−2480	15 : 4	16 : 3	33 : 5	0
1126	1094	970	−950	32 : 43	512 : 563	528 : 547	128 : 97
110	80	−130	−1930	90 : 17	96 : 11	99 : 8	0
960	930	720	−1080	45 : 51	1 : 1	33 : 31	15 : 9
6140	6040	5340	−660	150 : 317	160 : 307	165 : 302	200 : 267
890	870	730	−470	20 : 31	64 : 89	66 : 87	80 : 73
3020	2970	2620	−740	25 : 52	80 : 151	55 : 99	100 : 131
3620	3420	2020	−9980	300 : 201	320 : 181	330 : 171	400 : 101
870	840	630	−1170	30 : 31	32 : 29	33 : 28	120 : 63
1864	1826	2280	0	57 : 190	304 : 485	627 : 913	38 : 57
686	674	590	−130	36 : 71	192 : 343	198 : 337	48 : 59
90	65	−110	−1610	75 : 14	80 : 9	165 : 13	0
2734	2686	2350	−530	144 : 283	768 : 1367	792 : 1343	192 : 235
270	215	−170	−3470	165 : 38	176 : 27	366 : 43	0
2140	2080	1660	−1940	90 : 113	96 : 107	99 : 104	120 : 83
1230	1200	990	−810	30 : 43	32 : 41	33 : 40	40 : 33
1150	1090	670	−2930	180 : 127	192 : 115	198 : 109	240 : 67
490	480	410	−190	30 : 51	32 : 49	33 : 48	40 : 41
690	675	570	−330	45 : 72	48 : 69	49 : 67	60 : 57
1060	1010	900	−300	6 : 11	32 : 53	33 : 52	8 : 9
3750	3650	2950	−2050	60 : 79	64 : 75	66 : 73	80 : 59
830	815	710	−190	45 : 86	48 : 83	93 : 163	60 : 71
530	520	450	−150	6 : 11	32 : 53	33 : 52	8 : 9
−40	−60	−200	−1400	0	0	0	0
750	730	590	−610	60 : 79	64 : 75	66 : 73	80 : 59
670	645	470	−1030	75 : 72	80 : 67	55 : 43	100 : 47
1310	1290	1150	−50	4 : 9	64 : 131	22 : 43	80 : 115
2310	2270	990	−410	120 : 239	128 : 231	132 : 227	160 : 99

stances, there is a double return, implying that it is uncertain to which, of two synonymous districts, a grant must be referred.

We have thus forty-nine cases in which the Hide is proved less than 100 acres, *a fortiori* less than 120. Any one who carefully considers the ratios arrived at in the foregoing table, which for any one of the assumed cases rarely exceed *one to two*, will agree that there is a remarkable coincidence in the results, in at least the rich, fertile and cultivated counties from which the examples are derived. In some cases indeed the proportion of arable to waste is so great, that we must suppose other districts, now under cultivation, to have been then entirely untouched, in order to conceive sufficient space for marks and pastures. But lest it should be objected that these examples can teach us only what was the case in fertile districts, I subjoin a calculation of the Hidage and Acreage of all England, including all its barren moors, its forests, its marshes and its meadows, from the Solent to the utmost limit of Northumberland.

The total Hidage of England = 243,600
The total Acreage of England = 31,770,615 st. a.

Acreage at	30	7,308,000	Excess 24,462,615	Rat. 7 : 24 nearly.
.....	32	7,795,200	... 23,975,415	... 1 : 3 ...
.....	33	8,038,800	... 23,731,815	... 8 : 23 ...
.....	40	9,744,000	... 22,026,615	... 3 : 8 ...
.....	100	24,360,000	... 7,410,015	... 24 : 7 ...
.....	120	29,232,000	... 2,538,615	... 14 : 1 ...

This calculation leaves no doubt a bare possibility of the hide's containing 100 or 120 statute-acres:

but those who are inclined to believe that, taking all England through, the proportion of cultivated to uncultivated land was as 29 : 3, or even as 24 : 7, it must be owned, appreciate our ancient husbandry beyond its merits[1]. Cultivation may very probably have increased with great rapidity up to the commencement of the ninth century; and in that case, waste land would have been brought under the plough to meet the demands of increasing population: but the savage inroads of the Northmen which filled the next succeeding century must have had a strong tendency in the opposite direction. I can hardly believe that a third of all England was under cultivation at the time of the conquest; yet this is the result which we obtain from a calculation of thirty-two or thirty-three acres to the hide, while a calculation of forty acres gives us a result of three-eighths, or very little less than one-half. The extraordinary character of this result will best appear from the following considerations.

If we proceed to apply these calculations to the existing condition of England, we shall be still more clearly satisfied that from thirty to thirty-three acres is at any rate a near approximation to the truth.

[1] I have taken the acreage as given in the Census of 1841, but there is another calculation which makes it amount to 32,342,400; in which case the several values must be corrected as follows. The general result is not in the least altered by this change in the factors.

Acreage at	30	7,308,000	Excess	25,034,400	Rat. 7 : 25
.....	32	7,795,200	...	24,547,200	... 7 : 24
.....	33	8,038,800	...	24,303,600	... 1 : 3
.....	40	9,744,000	...	22,598,400	... 9 : 22
.....	100	24,360,000	...	7,982,400	... 24 : 7
.....	120	29,232,000	...	3,110,400	... 29 : 3

The *exact* data for England are I believe not found, but in 1827 Mr. Couling, a civil engineer and surveyor delivered a series of calculations to the Select Committee of the House of Commons on Emigration, which calculations have been reproduced by Mr. Porter in his work on the Progress of the Nation. From this I copy the following table:

Arable and garden.	Meadow, pasture, marsh.	Waste capable of improvement.	Waste incapable of improvement.	Summary.
Statute acres.	Statute acres.	Statute acres.	Statute acres.	Statute acres.
10,252,800	15,379,200	3,454,000	3,256,400	32,342,400

Now as the arable and gardens are all that can possibly be reckoned to the hide, we have these figures:

Arable	10,252,800
Meadow, waste, forest, etc.	22,089,600

giving a ratio of 5 : 11 nearly between the cultivated and uncultivated[1].

The actual amount in France is difficult to ascertain, but of the 52,732,428 hectares of which its superficial extent consists, it is probable that about 30,000,000 are under some sort of profitable culture: giving a ratio of rather less than 15 : 11 between the cultivated and uncultivated: how much of this is arable and garden I cannot exactly determine; but it is probable that a great deal is reckoned to profitable cultivation, which could not have

[1] This differs from the result obtained at forty acres, only by the small advance of $\frac{7}{55}$: or taking Mr. Porter's tables, of $\frac{1}{11}$.

been counted in the hide. Osieries, meadows, orchards, cultivated or artificial grassland, and brushwood, are all sources of profit, and thus are properly included in a *cadastre* of property which may be tithed or taxed as productive: but they are not strictly what the hide was, and must be deducted in any calculation such as that which is the object of this chapter. We are unfortunately also furnished with inconsistent amounts by different authorities, where the difference rests upon what is reckoned to profitable cultivation, on which subject there may be a great variety of opinion. Still, for a time neglecting these considerations, and making no deduction whatever, it appears that the excess of culture upon the gross sum is only as 15 : 11 in France[1].

In the returns from Austria we can follow the

[1] The hectare is about 2·5 acres. The calculations have been variously made. One is as follows:

Total superficies	52,732,428 hect.	
Profitably cultured, including gardens, osieries, willow plantations, orchards, meadows and cultivated pastures	30,000,000 hect.	
Forests and landes	10,000,000	...
Useless land	7,000,000	...
	47,000,000	...

Another, and I believe sounder, calculation makes the forests and landes amount to

Forest	8,623,128 hect.	
Landes	8,000,000	...
	16,623,128	...

Where, probably, portions of the wood and lande are not reckoned to the land under profitable cultivation. Still this is a very different thing from being under the *plough*.

same train of reasoning: as the ensuing table will show.

Provinces.	Product. surf. in jochs. (joch = 1·4 acre).					
	Arable.	Vines.	Meadows.	Commons.	Forests.	Total.
Lower Austria	1,399,910	80,153	447,758	251,347	1,122,285	3,301,453
Upper Austria	834,556	27	530,601	517,683	1,141,823	3,024,690
Styria	709,147	54,875	456,960	596,341	1,773,564	3,590,887
Carinthia ...	477,492	16,814	556,973	763,846	1,528,942	3,344,067
Illyria	245,738	26,132	171,252	520,866	317,246	1,281,234
Tyrol	377,300	55,300	432,930	648,800	1,946,200	3,460,530
Bohemia	3,889,979	4,446	948,468	611,501	2,316,298	7,770,692
Moravia & Silesia ...	2,213,855	51,793	390,152	463,098	1,114,849	4,233,747
Galicia	5,770,388	30	2,068,032	1,360,166	4,250,932	13,449,548
Dalmatia.....	161,228	100,530	28,728	568,538	300,874	1,159,898
Total ...	16,079,593	390,100	6,031,854	6,302,186	15,813,012	44,616,746

Thus of the whole productive surface of the Austrian empire, the *arable* bears only the proportion of 4 : 11. But to this must clearly be added an immense extent of land totally unfitted for the plough; by which the ratio of arable to the whole territorial surface will be materially diminished. Strange then as the conclusion may appear, we are compelled to admit that England at the close of the tenth century had advanced to a high pitch of cultivation: while the impossibility of reckoning the hide at much above thirty Saxon acres is demonstrated. It is clear, however the property of the land may have been distributed, that the elements of wealth existed in no common degree[1].

[1] It is well known that great quantities of land were thrown out of cultivation to produce chases and forests. And the constant wars of the baronial ages must have had the same effect. However singular we may think it, we can hardly avoid the conclusion that, in *some* districts of England, the Saxons may have had more land in cultivation than we

The number of forty acres has of course been taken solely for the purpose of getting a common measure with the present acre assumed in the parliamentary survey. Whether it corresponded exactly with thirty, thirty-two or thirty-three Saxon acres, it is impossible to say, but I have shown that the difference could not be very great. Something may be alleged in favour of each of these numbers; but on the whole the larger one of thirty-three acres seems to me the most probable. A valuable entry of the year 967 may help us to some clearer conclusion[1]. In this document Bishop Oswald states himself to have made a grant of seó þridde hind at Dydingcotan, ðæt is, se þridde æcer,—the third *hind* at Didcot, that is, the third acre. It is certain that at some very early period the word *hund* denoted *ten*, whence we explain its occurrence in such numerals as hundseofontig, hundeahtatig, etc. The word *hynd* then, I derive from this hund, and render by *tenth*, and the grant seems to have conveyed the third *tenth*, which can only be said of a quantity containing three times ten units of some description or other. But this third tenth is further described as being every third acre, that is, a third of the whole land; and ten units make up this third: it seems therefore not unreasonable to suppose that the acre was the unit in question, that

ourselves had at the beginning of George the Third's reign; Mr. Porter calculates that from 1760 to 1844, no less than 7,076,610 acres have been brought into cultivation under Inclosure Bills. Pr. of the Nation, 154.

[1] Cod. Dipl. No. 538.

ten such acres constituted the hind, and that the hind itself was the third part of the hide. When we consider that thirty acres are exactly three times an area of 40×40 square rods, there appears a probability that the measure was calculated upon a threefold course of cultivation, similar to that in ure upon the continent of Europe; this consisted of a rotation of winter corn, summer corn, and fallow, and to each a block or *telga* of ten large or forty small acres (roods) was allotted. Thirty acres were thus devoted to cultivation; but where was the homestall? Probably not upon the thirty acres themselves, which we cannot suppose to have been generally enclosed and sundered, but to have lain undivided, as far as external marks were concerned, *in the general arable of the community*. The village containing the homesteads of the markers, probably lay at a little distance from the fields[1], and I do not think we shall be giving too much when we allow three acres, over and above the thirty, for farm buildings, strawyard and dwelling. For we cannot doubt that stall-feeding was the rule with regard to horned cattle in general. In the same dialogue which has been already cited, the ploughman is made to say: "I must fill the oxen's cribs

[1] "In the greater part (of Germany), especially in all the populous parts of Southern Germany, the land is tilled by its owners, scarcely any small holdings being farmed out. The possessions of the peasant owners and cultivators are usually very diminutive, and those of the richer lords of the soil, especially in the North, immensely extensive. Lastly, the peasant scarcely anywhere lives upon his land, but in the adjacent village, whatever may be its distance from his fields." Banfield, Agric. on the Rhine, p. 10.

with hay, and give them water, and bear out their dung[1]." Moreover there must be room found for stacks of hay and wood, for barns and outhouses, and sleeping-rooms both for the serfs and the members of the family; nor are houses of more than one story very likely to have been built[2]. With this introduction I proceed to another grant of Oswold[3]. In the year 996, he gave three hides of land to Eádríc: the property however lay in different places: "æt Eánulfestúne óðerhealf híd, ȝ æt úferan Strætforda, on ðære gesyndredan híde, ðone óðerne æcer, ȝ æt Fachanleage ðone þriddan æcer feldlandes .... ȝ on eásthealf Afene eahta æceras mædwa, ȝ forne gean Biccanclife xii æceras mædwa, ȝ ða þreo æceras be norðan Afene tó mylnstealle;" i. e. "at Eanulfestun a hide and a half; at upper Stratford the second acre (i. e. half a hide), at Fachanleah the third acre (i. e. a third of a hide): on the east of the river Avon, eight acres of meadow, and onwards towards Biccancliff, twelve acres; and to the northward of the Avon, the three acres for a millstall." Our data here are $1\frac{1}{2}$ hide $+\frac{1}{2}$ hide $+\frac{1}{3}$ hide, or $2\frac{1}{3}$ hide; but, if the calculations which precede are correct, 8 + 12 acres or 20 acres $=\frac{2}{3}$ hide, and thus make up three hides of thirty acres each: three acres devoted to mill-buildings are not reckoned into the sum, and it is therefore possible that a similar course was pursued with regard

[1] Leo, Sprachproben, p. 7. Thorpe, Analect. p. 8.

[2] In Hungary, where land is abundant, houses, even those of considerable proprietors, are rarely of more than one story.

[3] Cod. Dipl. No. 529.

to the land occupied, not by the millstall but by the homestall[1].

Having thus stated my own view of the approximate value of the hide, I feel it right to cite one or two pasages which seem adverse to it. By a grant of the year 977, Oswald conveyed to Æðelwald, two hides, all but sixty acres; these sixty acres the bishop had taken into his own demesne or inland at Kempsey, as wheat-land[2]. Now if this be an accurate reading, and not by chance an ill-copied lx for ix, it would seem to imply that sixty acres were less than a hide; for these acres were clearly arable.

Again, Æðelred granted land at Stoke to Léofríc in 982: the estate conveyed was of three hides and thirty acres, called in one charter *jugera*, in another part of the same grant, *æcera*[3]. It may be argued that here the acres were meadow or pasture, not included in the arable. But there are other calculations upon the jugerum[4], which render it probable that less than our statute-acre was intended by the term. For example, in 839, king Æðelwulf gave

[1] It is to be remarked that the eight and twelve acres of meadow are distinguished here from the feld-land or arable: and in strictness they ought not to be calculated into the hide; but perhaps it was intended to plough them up: or Oswald may even have begun to follow a system in which arable and meadow should both be included in the hide, which is equivalent, in other words, to the attempt to replace the wasteful method of unenclosed pastures by a more civilized arrangement of the land. He speaks indeed, on more than one occasion, of granting gedál-land, and land tó gedále, which can hardly mean anything but *new enclosures*.

[2] Cod. Dipl. No. 612.

[3] Ibid. No. 633.

[4] According to Pliny, the jugerum was a day's work for a yoke of oxen, i. e. nearly an acre; but the Saxon jugerum can hardly have been so large, for the reasons given in the text.

Dudda ten *jugera* within the walls of Canterbury: now Canterbury at this day comprises only 3240 acres, and taking the area of almost any provincial town, it seems hardly probable that ten full acres within the walls should have been granted to any person, especially to one who, like Dudda, was of no very great consideration. A town-lot of two acres and a half, or ten roods, is conceivable.

The last example to be quoted is from a will of Ælfgár[1], a king's thane, about 958. In this, among other legacies, he grants to Æðelgár a hide of 120 acres: "and ic Æðelgár an án híde lond ðes ðe Æðulf hauede be hundtuelti acren, áteó só he wille." In this instance I am inclined to think that the special description implies a difference from the usual computation: if a hide were *always* 120 acres, why should Ælfgár think it necessary to particularize this one hide? was there a large hide of 120, as well as a small one of thirty? In the other cases—looking at the impossibility of assigning more than forty statute-acres to the Saxon hide, so plainly demonstrated by the tables—I suppose the ærcas to be small acres or roods.

It is scarcely necessary to say that where the number of hides mentioned in any place falls very far short of the actual acreage, no argument can be derived any way. The utmost it proves is that only a certain amount, however inconsiderable, was under the plough. Thus Beda tells us that Anglesey contained 960, Iona or Icolmkill, only five,

[1] Cod. Dipl. No. 1222.

hides[1]. The acreage of Anglesey gives 150,000 acres under cultivation: this would be 156·33 per hide; but in this island a very great reduction is necessary: taking it even as it stands, and calculating the hide at thirty acres, we should have a ratio of 24: 101; at forty acres, a ratio of 32: 93 or little more than 1: 3.

Iona numbers about 1300 acres (nearly two square miles): this at five hides would give 260 acres per hide: at thirty acres, a ratio of 3: 23 or nearly 1: 8 between cultivated and uncultivated land: or at forty acres, a ratio of 2: 11. But the monks and their dependants were the only inhabitants; and in the time of Beda, up to which there is no proof of the land's having been inhabited at all (in fact it was selected expressly because a *desert*), sand, if not forest, must have occupied a large proportion of the surface.

Let us now retrace our steps for a few moments. The hide was calculated upon the arable: it was the measure of the alod,—the éðel, or inherited, individual possession; it was the κλῆρος, lot, or share of the first settler: it kept a plough at work during the year: and, according to its etymology (*higid*) and the word *familia* by which it was translated, it was to suffice for the support of one Hiwisc or household.

Did it really so suffice, at first and afterwards? Unquestionably it did. We may safely assert this, without entering into nice speculations as to the

[1] Hist. Eccl. ii. 9; iii. 4.

amount of population in the Saxon kingdoms of the seventh, eighth, ninth, or even eleventh centuries. We know that in the eighth century, 150 hides were enough for the support and comfort of 600 monks in Yarrow and Wearmouth[1]; there is no reason, from their history, to suppose that they were at all sparingly provided for. But allowance must be made also for serfs and dependants, the exercise of hospitality and charity, the occasional purchase of books, vestments and decorations, the collection of reliques, and the maintenance of the fabric both of the church and monastery. Grants and presents, offerings and foundations would do much, but still some portion of these necessary expenses must be carried to the account of the general fund. At this rate however, one hide was capable of maintaining four full-grown men.

Now even at the present day an industrious man can very well support his family upon, not thirty or forty, but ten acres of average land[2]. If we look at the produce of such a threefold course as has been mentioned, there can hardly be any doubt upon the subject; the cultivator would have every year twenty Saxon (=$26\frac{2}{3}$ Norman) acres under some kind of corn, principally barley in all probability, though much wheat was grown. Assuming the yield at only two quarters per acre, which is an

[1] Anon. Abb. Gyrw. § 33. This at forty actual acres, is ten acres per man.

[2] We need not enter upon the question whether such a plot of land can be well cultivated (except as a garden), or whether it is desirable that there should be such a class of cultivators. All I assert is, that a man can support his family upon it.

almost ludicrous understatement of the probable amount[1], we give each householder forty quarters of cereales, at the very lowest, and deducting his seed-corn and the public taxes, we still leave him a very large amount. The average annual consumption of wheat per head in England is now computed at one quarter: let us add one half to compensate for the less nutritious qualities of barley, and we shall yet be under the mark if we allow our householder at the close of the year, a net receipt of thirty quarters, or food for at least twenty persons. Add to this the cattle, and especially swine fed in the forests,—which paid well for their own keep, and gave a net surplus—and the *ceorl* or owner of one hide of land, independently of his political rights, becomes a person of some consideration from his property[2]: in short he is fully able to maintain himself, his wife and child, the ox that ploughs, and the slave that tends his land,—owning much more indeed, than in Hesiod's eyes, would have sufficed for these purposes[3]. It may be admitted

[1] The fertility of England was always celebrated, and under the Romans it exported cereales largely. See Gibbon's calculation of an export under Julian. Dec. F. cap. xix. Our present average yield of wheat exceeds 30 bushels or 3·75 qrs.

[2] If he had a market for his surplus, he might accumulate wealth. Even if he had not this, he insured a comfortable, though rude subsistence, for his household. The spur to exertion, urging him to acquire luxuries, might be wanting, and the national advancement in refinement thus retarded: but he had a sufficiency of the necessaries of life, and an independent existence in the body of the family and the Mark. Such a state necessarily precedes the more cultivated stages of society.

[3] οἶκον μὲν πρώτιστα, γυναῖκά τε, βοῦν τ' ἀροτῆρα.

Cited in Arist. Pol. bk. 1.

The land of a fullborn Spartan may have been somewhat less than the

that the skies of Greece and Italy showered kindlier rays upon the Ionian or the Latin than visited the rough denizen of our Thule; that less food of any kind, and especially less meat, was required for their support[1], and that they felt no necessity to withdraw large amounts of barley from the annual yield, for the purpose of producing fermented liquors[2]; still, as far as the amount of land is concerned, the advantage is incontestably on the side of the Anglosaxon; and in this one element of wealth, our ceorl was comparatively richer than the comrade of Romulus or the worshiper of Athene.

Saxon hide: but let those who think these amounts too small, remember the two jugera (under two acres) which formed the *haeredium* of a Roman patrician.

[1] Hecataeus says the Arcadians fed upon barley-bread and pork, Ἀρκαδικὸν δὲ δεῖπνον....Ἑκαταῖος....μᾶζας φησιν εἶναι καὶ ὕεια κρέα. Athen. iv. 148. But the Arcadians, both in blood and manners, probably resembled the Saxons more than any other Greeks did; and what Hecataeus says of them would not apply to the inhabitants of Attica.

[2] After the Persian wars at least, when the Greeks prided themselves on drinking wine, not beer:

> ἀλλ' ἅρσενάς τοι τῆσδε γῆς οἰκήτορας
> εὑρήσετ', οὐ πίνοντας ἐκ κριθῶν μέθυ.
>
> Æsch. Supp. 929.

CHAPTER V.

PERSONAL RANK. THE FREEMAN. THE NOBLE.

THE second principle laid down in the first chapter of this book, is that of personal rank, which in the Teutonic scheme appears inseparably connected with the possession of land.

The earliest records we can refer to, place before us a system founded upon distinctions of birth, as clearly as any that we can derive from the Parliamentary writs or rolls of later ages: in our history there is not even a fabulous Arcadia, wherein we may settle a free democracy: for even where the records of fact no longer supply a clue through the labyrinths of our early story, the epic continues the tradition, and still celebrates the deeds of nobles and of kings.

Tacitus, from whom we derive our earliest information, supplies us with many details, which not only show the existence of a system, but tend also to prove its long prevalence. He tells us not only of nobles, but also of kings, princes and inherited authority[1], more or less fully developed: and the

[1] The Cherusci feeling the want of a king sent to Rome for a descendant of Arminius. Tac. An. xi. 17. The Heruli in Illyria having slain their king, sent to their brethren in Thule (Scandinavia) for a descendant of the blood royal. During his journey however they accepted another king from the hands of Justinian. This person and their alliance with the emperor they renounced upon the arrival of the

unbiassed judgment of the statesman who witnessed the operation of institutions strange to himself, warns us against theoretical appeals to the fancied customs of ages not contemporaneous with our own. The history of Europe knows nothing of a period in which there were not freemen, nobles and serfs; and the institutions of Europe, in proportion as we pursue them to their earliest principles, furnish only the stronger confirmation of history. We may, no doubt, theorize upon this subject, and suggest elementary forms, as the necessary conditions of a later system: but this process is and must be merely hypothetical, nor can such forms be shown to have had at any time a true historical existence. That every German was, in the beginning, Kaiser and Pope in his own house[1] may be perfectly true in one sense; just as true is it that every Englishman's house is his castle: nevertheless, the German lived under some government, civil or religious, or both: and—to the great advantage of society—the process of law surmounts without the slightest difficulty the imaginary battlements of the imaginary fortress.

The whole subject must be considered in one of two ways: with reference, namely, to a man living

prince from the North. Procop. Bell. Got. ii. 15. "Reges ex nobilitate, duces ex virtute sumunt." Tac. Germ. vii. "Magna patrum merita principis dignationem etiam adolescentulis assignant." Ibid. xiii. Although mere boys might be kings, they could hardly be *duces*, in the old Teutonic sense.

[1] Möser, Osnabrückische Geschichte (1780), 1er Abschn. § 8. "Solche einzelne wohner waren Priester und Könige in ihren Häusern und Hofmarken," etc. See his references to Tac. Germ. x. etc.

alone with his family, or to the same man and family, in a bond of union with others, that is in the *state*.

Could we conceive a permanent condition of society, such that each particular family lived apart, without connection or communion with others, we must admit the inevitable growth of a patriarchal system, of which the eldest member of the family would be the head; a system similar to that which we do find described as prevailing in the wandering family of Abraham. But such a condition could only exist at a period of time, and in a state of the earth, which admitted of frequent migration, and while the population bore a small proportion to the means of support, perhaps even in countries where water is of greater value than land. Thus the moment the family of Abraham became too numerous, and his herdsmen found it necessary to defend their wells and pastures against the herdsmen of Lot, a separation took place and the Schieks parted, according to the provisions of a solemn compact, that there might not be strife between them[1]. But, setting aside the mysterious purposes for which the race of Abraham were made wanderers, and which impress an exceptional character upon their whole history, it is clear that even they were surrounded by a society, whose conditions were totally different from any that could have existed in Germany. They fled from the face of a depraved cultivation, prevalent in the cities,

[1] Genesis xiii. 6, *seq.*

and they were sojourners only from place to place, till the fulness of time, when they were to found the normal theocracy of the world.

To a certain degree they resembled the squatters in the backwoods of America; like them, they established a law for themselves, and acted upon it: —with the nature of that law, divine or human, we have nothing to do, for the purposes of this inquiry:—in this sense, indeed, they could be kings and priests in their own house; but so are, or were, the North American *Regulators*, who, in their own families and among all over whom they could establish their power, acted as judges, and both promulgated and executed a law which was necessary to their very existence in the wilderness.

But I find it impossible to admit that the origin of our Germanic nations is to be found in any such solitary households or families; were it true, as Möser appears to argue [1], of some parts of Westphalia, it would not be so of other districts in southern Germany, as he indeed admits [2], and, particularly, it would not be true of England. In these two cases there can be no doubt that some kind of military organization preceded the peaceful settlement, and in many respects determined its mode and character[3]. But, even if we admit

[1] Osnab. Gesch. i. § 2. [2] Ibid. i. § 7.

[3] There cannot be any doubt respecting England, where the Germanic race are not autochthonous. The organization of the Suevi may be learnt from Caesar (Bell. Gall. iv. 1, 2, 3), and Möser very justly observes that the Swabian law must necessarily have differed from the Saxon. Osnab. Ges. i. § 7. So, to a certain degree, must the Anglosaxon from both.

to the fullest extent, the doctrine of solitary settlements, we must still contend that these are, in their very nature, temporary; that they contain no possible provision for stability, in short that they are excluded by the very idea itself of a state; yet it is as a member of a state that man exists, that he is intended to exist[1], and unless as a member of a state, he is incapable of existing as a man. He can as little create a language as create a state: he is born to both, for both, and without both he cannot exist at all.

Each single family then is a state: two, three or four families are a state, under larger conditions. How are these last to be settled?

Where a number of independent households are thinly dispersed over a portion of the country, their reciprocal relations and position will probably be more or less of the following kind.

Some arrangement will exist for the regulation of the terms on which the use of the woods, waters and common uncultivated land may be enjoyed by all the settlers: it is even possible that they may have some common religious ceremonies as the basis of this arrangement[2]. But further than this there need be no union or mutual dependence; each solitary homestead is a state by itself, possessing the *jus belli*; in no federal relation to, and consequently in a state of war with, every

[1] Aristotle's Politics, book i. cap. 1. Dahlmann, Politik, § 1, 2, 3.

[2] It is of course extremely difficult to conceive this apart from the existence of a common priesthood; but such a priesthood is already the commencement of a regular state.

other household, even though this right of war should not be in active operation at any given moment[1].

In his own household every man may bear rule, either following his own arbitrary will, or in accordance with certain general principles, which he probably recognizes in common with his neighbours. He may have a family worship of his own, of which he will be the chief priest[2], and which worship may or may not be consistent with that of his neighbours. If he is troublesome to them, they may root him out, slay or enslave him, do with him what seems good in their eyes, or whatsoever they have power to do. If he thrives and accumulates wealth, they may despoil him, or he oppress them,—all, however, *jure belli*, for there can be no *jus imperii* in such a case.

This, however, cannot be the normal state of man. The anxious desire, it might almost be called instinctive yearning, to form a part of a civilized society, forbids its continuance, not less than the obvious advantage of entering into a mutual guarantee of peace and security. The production of food and other necessaries of life is the first busi-

[1] In such a case, power or force being the only term of reference, each household will be determined by that alone in its intercourse with others. If A wants a slave, he will war upon and take B, if he can: but to prevent this, B and C will unite; so that at last a regulated union is found best for all parties, in respect to themselves as a community, and against all other communities.

[2] Tac. Germ. x. "Si publice consulatur sacerdos, *sin privatim, ipse paterfamilias precatus Deos.*" This seems to indicate at the commencement, an independent priestly power in the paterfamilias. Compare the remarkable history in Judges, cap. xvii. xviii.

ness of men: the attempt to take forcible possession of, or to defend, accumulated property, presupposes the accumulation. While the land and water are more than sufficient for the support of the population, the institutions proper to peace will prevail. It is inconceivable, and repugnant to the very nature of man, that such institutions should not be established the moment that two or more separate families become conscious of each other's existence[1]: and in respect to our Germanic forefathers, we find such in full vigour from their very first appearance in history.

Some of the institutions essential to the great aim of establishing civil society at the least possible sacrifice of individual freedom—such as the *Wergild*, the *Frank pledge*, etc.—will be investigated in their proper places: they seem to offer a nearly perfect guarantee for society at an early period. But for the present we must confine ourselves to the subject of personal rank: and as the centre and groundwork of the whole Teutonic scheme is the individual freeman, it is with him that we must commence our investigation.

The natural divisions into which all human society must be distributed, with respect to the beings that form it, are the *Free* and the *Unfree*[2], those

[1] The only place where I can admit of such solitary settlements is Scandinavia, and even there they must have formed the exception, not the rule. See Chap. II. p. 68.

[2] "Summa itaque divisio personarum hæc est, quod omnes homines aut liberi sunt aut servi." Fleta, bk. i. cap. 1. "Est autem libertas, naturalis facultas ejus, quod cuique facere libet, nisi quod de jure aut vi prohibetur." Ibid. cap. 2.

who can protect themselves and those who must be in the protection of others. Even in the family this distinction must be found, and the wife and son are unfree in relation to the husband and the father; they are in his *mund*. From this mund the son indeed may be emancipated, but not the wife or daughter: these can only change it; the wife by the act of God, namely the death of the husband; the daughter by marriage. In both cases the mund passes over into other hands [1].

Originally the Freeman is he who possesses at least as much land as, being tilled, will feed him, strength and skill to labour, and arms to defend his possession. Married to one free woman who shares his toils, soothes his cares, and orders his household, he becomes the founder of the family —the first unit in the state: the son who springs from this marriage, completes the family, and centres in himself the blood, the civil rights and the affections of his two progenitors. It is thus, through the son, that the family becomes the foundation of the state [2].

The union of a greater or less number of free heads of houses upon a district sufficient for their support, in a mutual guarantee of equal civil rights, is the state itself: for man is evidently formed by God to live in a regulated community, by which mode of life alone he can develope the highest

[1] See Fleta, bk. i. cap. 5, 6, 7, 9.

[2] It is probably in this sense that the Hindu Institutes assert, "Then only is a man perfect when he consists of three persons united, his wife, himself, and his son." Manu, ch. ix. 45.

qualities of the nature which God has implanted in him; and the first community is the union of free men for purposes of friendly intercourse and mutual aid, each enjoying at the hands of every other the same rights as he is willing to grant to every other, each yielding something of his natural freedom in order that the idea of state, that is of orderly government, may be realized. For the state is necessary, not accidental. Man not living in a state, not having developed and in some degree realized the idea of state, is insofar not man but beast. He has no past and no future: he lives for the day, and does not even accumulate for the days to come: he lives, thinks, feels and dies like a brute. For man is free through the existence, not the absence, of law; through his voluntary and self-conscious relinquishment of the power to do wrong, and the adoption of means to counteract and diminish his own tendency to evil. The amount of personal liberty to be given up is the only question of practical importance, but from the idea of Freedom itself results the law, that this amount must be in all cases a minimum.

The ideas of freedom and equality are not, however, inseparable: a nation of slaves may exist in sorrowful equality under the capricious will of a native or foreign tyrant: a nation of free men may cheerfully, wisely and happily obey the judge or the captain they have elected in the exigencies of peace and war. Hence the voluntary union of free men does not exclude the possibility of such union being either originally based upon terms of inequality, or

becoming sooner or later settled upon such a basis. But, as the general term is the freedom, I take this as the unity which involves the difference; the noble is one of the freemen, and is made noble by the act of the free: the free are not made so by the noble.

By these principles the divisions of this chapter are regulated.

The freeman is emphatically called Man, ceorl, *mas*, *maritus*: wæpned mân, *armatus*: after the prevalence of slavery, he is, for distinction, termed *free*, frigman, frihals, i. e. *free neck*: the hand of a master has not bent his neck[1]; but his oldest and purest denomination is ceorl. Till a very late period the Anglosaxon law knows no other distinction than that of ceorl and eorl[2]. The Old Norse Rígsmál which is devoted to the origin of the races, considers Karl as the representative of the freeman. His sons are Halr, Anglos. Hæle, *vir*; Drengr, Anglos. Dreng, *vir*; þegen, Anglos. þegn, *vir fortis, miles, minister*; Höldr, Anglos. hold, *pugil, fidelis*; Búi, Anglos. gebúr, *colonus*; Bondi, Anglos. bonda, *colonus*; Smiðr, Anglos. Smið, *faber*; Seggr, Anglos. Secg, *vir*. Among the daughters are Snót, Brúðr, Flioð and Wíf. Many of these terms yet survive, to represent various classes of freemen in almost every Germanic country[3].

[1] The converse is *collibertus, qui collum liberavit, culvert, coward.*

[2] Swá eác we settað be eallum hádum, ge ceorle, ge eorle: "so also we ordain concerning all degrees of men, churl as well as earl." Ll. Ælfr. § 4.

[3] Conf. Grimm, Deut. Rechtsalt. 283. The Latin laws of the Middle Ages usually adopt the words, *Liber, liber homo, ingenuus.* In reference to the noble, he is *mediocris, minofledus, καταδεέστερος*: in respect of his wife, he is *baro.*

The rights of a freeman are these. He has land within the limits of the community, the éðel or hereditary estate (κλῆρος, hæredium, hýd) by virtue of which he is a portion of the community, bound to various duties and graced with his various privileges. For although his rights are personal, inherent in himself, and he may carry them with him into the wilderness if he please, still, where he shall be permitted to execute them depends upon his possession of land in the various localities. In these he is entitled to vote with his fellows upon all matters concerning the general interests of the community; the election of a judge, general or king; the maintenance of peace or war with a neighbouring community; the abrogation of old, or the introduction of new laws; the admission of conterminous freemen to a participation of rights and privileges in the district. He is not only entitled but bound to share in the celebration of the public rites of religion, to assist at the public council or Þing, where he is to pronounce the customary law, by ancient right, and so assist in judging between man and man; lastly to take part, as a soldier, in such measures of offence and defence as have been determined upon by the whole community. He is at liberty to make his own alliances, to unite with other freemen in the formation of gilds or associations for religious or political purposes. He can even attach himself, if he will, to a lord or patron, and thus withdraw himself from the duties and the privileges of freedom. He and his family may depart, whither he will, and no man may follow or

prevent him: but he must go by open day and publicly, (probably not without befitting ceremonies and a symbolical renunciation of his old seats,) that all may have their claims upon him settled before he departs[1].

The freeman must possess, and may bear arms; he is born to them, *schildbürtig*; he wears them on all occasions, public and private, "nihil neque publicae neque privatae rei nisi armati agunt[2];" he is entitled to use them for the defence of his life and honour; for he possesses the right of private warfare, and either alone, or with the aid of his friends, may fight, if it seems good to him. This right is technically named fǽhðe, *feud*, from fá, *inimicus*; and to be exposed to it is fǽhðe beran, *to bear the feud*[3]. If he be strong enough, or ill-disposed enough, to prefer a violent to a peaceful settlement of his claims, he may attack, imprison and even slay his adversary, but then he must bear the feud of the relations.

Beside the arms he wears, the sign and ornament of his freedom is the long hair which he suffers

[1] "Si quis liber homo migrare voluerit aliquo, potestatem habeat infra dominium regni nostri, cum fara sua, migrare quo voluerit." Leg. Roth. 177. The free folk on the Leutkircher Heide "are free and shall have no *nachjagende Herr*," (*i. e.* Lord hunting after them, the *Dominus persequens* of our early law-books. Lünig. Reichsarch. p. spec. cont. 4. p. 803. See further Grimm, Deut. Rechtsalt. 286, etc.

[2] Tac. Germ. xiii. A century ago gentlemen wore swords in France and England, and courtiers still wear them. The Hungarian freeman transacts no public business unarmed.

[3] Lex. Fres. ii. 2.

to float upon his shoulders or winds about his head[1].

His proper measure and value, by which his social position is ascertained and defended, is the wergyld, or *price of a man.* His life, his limbs, the injuries which may be done to himself, his dependants and his property, are all duly assessed; and though not rated so highly as the noble, yet he stands above the stranger, the serf or the freedman. In like manner his land, though not entirely exempt from charges and payments for public purposes, is far less burthened than the land of the unfree. Moreover he possesses rights in the commons, woods and waters, which the unfree were assuredly not permitted to exercise.

The great and essential distinction, however, which he never entirely loses under any circumstances, is that he aids in governing himself, that is in making, applying and executing the laws by which the free and the unfree are alike governed; that he yields, in short, a voluntary obedience to the law, for the sake of living under a law, in an orderly and peaceful community.

In the state of things which we are now consi-

[1] There were differences in this respect among the different races, and in some, the long hair may have been confined to the noble families. Among the Saxons, however, it seems that it was also used by the free: gif freo wíf, locbore, lyswæs hwæt gedó, *if a free woman, that wears long hair, do any wrong.* Lex Æðelb. § 73. To cut a freeman's hair was to dishonour him. Lex Ælfr. § 35. See also Grimm, Deut. Rechtsalt. pp. 240, 283. Eumenius speaks of the Franks as "prolixo crine rutilantes." Paneg. Constant. c. 18.

dering, the noble belongs to the class of freemen; out of it he springs, in all its rights and privileges he shares, to all its duties he is liable, but in a different degree. He possesses however certain advantages which the freeman does not. Like the latter he is a holder of real estate; he owns land in the district, but his lot is probably larger, and is moreover free from various burthens which press upon his less fortunate neighbour. He must also take part in the Þing, *placitum* or general meeting, but he and his class have the leading and directing of the public business, and ultimately the execution of the general will[1]. The people at large may elect, but he alone can be elected, to the offices of priest, judge or king. Upon his life and dignity a higher price is laid than upon those of the mere freeman. He is the unity in the mass, the representative of the general sovereignty, both at home and abroad. The tendency of his power is continually to increase, while that of the mere freeman is continually to diminish, falling in the scale in exact proportion as that of the noble class rises.

The distinctive name of the noble is Ëorl

[1] "De minoribus rebus principes consultant; de majoribus omnes. Ita tamen ut ea quoque quorum penes plebem arbitrium est, apud principes pertractentur." Tac. Germ. xi. Something similar to this probably prevailed in the Dorian constitution, and in the old Ionian before the establishment of the great democracy. The mass of the people might accept or reject, but hardly, I think, debate the propositions of the nobles. After all the *πρόβουλοι* seem necessary in all states. See Arist. Pol. iv. § 15.

[2] In the Rigsmál, Jarl is the progenitor of all the noble races, as Karl is of the free.

Æðele (*nobilis*) and Ríce (*potens*), denote his qualities, and he bears other titles according to the accidents of his social position: thus ealdor, ealdorman, *princeps*; wita, weota, *consiliarius*; optimas; *senior*; *procer*, *melior*, etc. In addition to his own personal privileges, the noble possesses in the fullest extent every right of the freeman, the highest order of whose body he forms.

CHAPTER VI.

THE KING.

As the noble is to the freeman, so in some respects is the King to the noble. He is the summit of his class, and completes the order of the freemen. Even in the dim twilight of Teutonic history we find tribes and nations subject to kings; others again acknowledged no such office, and Tacitus seems to regard this state as the more natural to our forefathers. I do not think this clear: on the contrary, kingship, in a certain sense, seems to me rooted in the German mind and institutions, and universal among some particular tribes and confederacies. The free people recognize in the King as much of the national unity as they consider necessary to their existence as a substantive body, and as the representative of the whole nation they consider him to be a mediator between themselves and the gods[1]. The elective principle is the safe-

[1] There is a tradition among the Swedes that if the gods expressed their anger with the people by scarcity, or ill success in war, the most acceptable offering to them was the King. See Yngling, Sag. c. xviii. (Laing, i. 230); again, c. xlvii. (vol. i. p. 256), where the scene is laid in Norway: because, says the Yngl. Sag., the Swiar were wont to attribute to their kings the fruitfulness or dearth of the seasons. Yet they did not interfere with the succession in the son of the sacrificed king. See Geijer, Hist. i. 404.

guard of their freedom; the monarchical principle is the condition of their nationality. But this idea of kingship is not that which we now generally entertain; it is in some respects more, in others less, comprehensive.

And here it seems necessary to recur to a definition of words. With us, a king is the source both of the military and the judicial powers; he is chief judge and general in chief; among protestants he is head of the church, and only wants the functions of high priest, because the nature of the church of Christ admits of no priestly body exclusively engaged in the sacrifices, or in possession of the exclusive secrets, of the cult[1]. But in the eye of the state, and as the head of a state clergy, he is the high priest, the authority in which ultimately even the parochial order centres and finds its completion. He is an officer of the state; the highest indeed and the noblest, but to the state he belongs as a part of itself: with us a commission of regency, a stranger or a woman may perform all the functions of royalty: the houses of parliament may limit them; a successful soldier may usurp them. With the early Germans, the king was something different from this.

The inhabitants of the Mark or Gá, however numerous or however few they may be, must always have some provision for the exigencies of peace and war. But peace is the natural or normal state, that for which war itself exists, and the institu-

[1] 1 Peter, ii. 5, 9.

tions proper to war are the exception, not the rule. Hence the priestly and judicial functions are permanent,—the military, merely temporary. The former, whether united in the same person, or divided between two or more, are the necessary conditions of the existence of the state as a community; the latter are merely requisite from time to time, to secure the free exertion of the former, to defend the existence of the community against the attacks of other communities.

We may admit that the father is the first priest and judge in his own household; he has, above all others, the sacerdotal secrets, and the peculiar rites of family worship; these, not less than age, experience and the dignity of paternity, are the causes and the justification of his power. The judicial is a corollary from the sacerdotal authority. But what applies to the individual household applies to any aggregate of households: even as the family worship and the family peace require the exertion of these powers for their own maintenance and preservation, so do the public worship and the public peace require their existence, though in a yet stronger degree. From among the heads of families some one or more must be elected to discharge the all-important functions which they imply. If the solemn festivals and public rites of the god are to be duly celebrated, if the anger of the thunderer is to be propitiated, and the fruits of the earth to be blessed,—if the wounded cattle are to be healed, the fever expelled, or the secret malice of evil spirits to be defeated,—who but the priest can

lead the ceremonies and prescribe the ritual? Who but he can sanctify the transfer of land, the union of man and wife, the entrance of the newborn child upon his career of life; who but himself can conduct judicial investigations, where the deities are the only guardians of truth and avengers of perjury, or where their supernatural power alone can determine between innocence and guilt[1]? Lastly, who but he can possess authority to punish the freeman for offences dangerous to the wellbeing of all freemen? To what power less than that of God will the freeman condescend to bow[2]?

How then is it to be determined to whom such power, once admitted to be necessary, shall be at first entrusted? The first claim clearly lies with those who are believed to be descended from the gods, or from the local god of each particular district[3]. They are his especial care, his children; he led them into the land, and gave them the secret of appeasing or pleasing him: he protects them by his power, and guides them by his revelations: he is their family and household god, the progenitor of their race, one of themselves; and they are the

[1] The various forms of the ordeal were undoubtedly pagan, though retained by the Christian communities of the Germans.

[2] Even in war the general had not at first the power of punishing the freeman. The very urgencies of military discipline were subordinated to the divine authority of the priests. "Duces exemplo potius quam imperio, si prompti, si conspicui, si ante aciem agant, admiratione praesunt. Ceterum neque animadvertere, neque vincire, ne verberare quidem nisi sacerdotibus permissum; non quasi in poenam, nec ducis jussu, sed velut deo imperante, quem adesse bellantibus credunt." Tac. Germ. vii.

[3] "Diis genitos sacrosque reges." Tac. Orat. 12.

best, indeed the only, expounders of his will. A single family, with which others have by slow degrees united themselves, by which others have been adopted, and which in process of time have thus become the nucleus of a state, will probably remain in possession of this sacerdotal power; the god of the land does not readily give place to others, and those with whom his worship identifies him will continue to be his priests long after others have joined in their ceremonies. Or it is possible that a single household wandering from a more civilized community may be admitted among a rude people, to whom they impart more perfect methods of tillage, more efficient medical precepts, more impartial maxims of law, better or more ornamental modes of architecture, or more accurate computations of time, than they had previously possessed: the mysterious courses of the stars, the secrets of building bridges[1], towers and ships, of ploughing and of sowing, of music and of healing, have been committed to them by their god: for the sake of the benefits they offer, their god is received into the community; and they remain his priests because they alone are cognizant of, and can conduct, the rites wherewith he is to be served.

Even in periods so remote as not to be confounded with those of national migrations, a small body of superior personal strength, physical beauty, mental organization, or greater skill in arms, may

[1] It is a curious fact that *Pontifex*, literally *the bridge-maker*, should be the generic Latin name for a priest. At Athens there was a *gens* of γεφυραῖοι: were these ever a sacerdotal tribe?

establish a preponderance over a more numerous but less favoured race: in such a case they will probably join the whole mass of the people, receiving or taking lands among them, and they will by right of their superiority constitute a noble, sacerdotal, royal race, among a race of freemen[1]. They may introduce their religion as well as their form of government, as did the Dorians in the Peloponesus. Or if, as must frequently be the case, a compromise take place, they and their god will reserve the foremost rank, although the conquered or otherwise subjected people may retain a share in the state, and vindicate for their ancient deities a portion of reverence and cult: the gods of nature, of the earth and agriculture, thus yield for a while to the supremacy of the gods of mental cultivation and warlike prowess: Demeter gives way before Apollo, afterwards however to recover a portion of her splendour: Odinn obtains the soul of the warrior and the freeman; Đórr must content himself with that of the thrall.

In all the cases described,—to which we may add violent conquest by a migratory body, leaving only garrisons and governors behind it[2],—the family or tribe which are the ruling tribe, are those in whom the highest rank, dignity, nobility and power are inherent: but unless some peculiar circumstances,

[1] Αἴτιον δὲ.....ὅτι τρόπον τινὰ ἀρετὴ τυγχάνουσα χορηγίας καὶ βιάζεσθαι δύναται μάλιστα, καὶ ἔστιν ἀεὶ τὸ κρατοῦν ἐν ὑπεροχῇ ἀγαθοῦ τινός, ὥστε δοκεῖν μὴ ἄνευ ἀρετῆς εἶναι τὴν βίαν..... Arist. Polit. I. cap. 6. (Bekker.) We may remember the Incas in Peru.

[2] A fact abundantly familiar in the history of India, whether under Afghan, Mogul or Mahratta rule.

arising within the ruling tribe itself, limit the succession to the members of one household, as for example among the Jews, the sanctity of the tribe will be general and not individual. They will be alone qualified to hold the high and sacred offices; but the will of the whole state[1], *i. e.* popular election, must determine which particular man shall be invested with their functions. Out of the noble race the election cannot indeed be made, but the choice of the individual noble is, at first, free. This is the simplest mode of stating the problem: history however is filled with examples of compromise, where two or more noble tribes divide the supreme authority in even or uneven shares: two kings, for instance, represent two tribes of Dorians in the Spartan πολιτεία[2]. The seven great and hereditary ministerial houses in the German empire, the five great Ooloos of the Dooraunee Afghans, with their hereditary offices, represent similar facts. Among the old Bavarians, the Agilolfings could alone hold the ducal dignity, but three or four other families possessed a peculiar nobility, raising them nearly as much above the rest of the nobles,

[1] The whole state may possibly consist only of the predominant tribe, as Dorians or Ionians, or Anglosaxons: the rest of the population of the country may be perioecian as were the inhabitants of Laconia, and the British. The ruling tribe itself may have distinctions of rank; as for instance the Hypomeiones among the Spartans, the Ceorlas among the Anglosaxons.

[2] The rule, *reges ex nobilitate, duces ex virtute, ἀγαθοῦ τινος ὑπερόχη*, applies in strictness to this case. Agis or Agesilaus might be generals, but Brasidas could not have been a king. Descent from Heracles was to the Spartiate what descent from Wóden was to the Saxon,—the condition of royalty.

as the nobles were raised above the rest of the people. Under these circumstances the attributes of sovereignty may be continually apportioned: to one family it may belong to furnish kings or judges; to another, generals; to a third, priests[1]; or this division may have arisen in course of time, within a single family. Or again, the general may only have been chosen, *pro re nata*, when the necessity of the case required it, from among the judges or priests, or even from among those who were not capable by birth of the judicial or sacerdotal power. We are able to refer to an instance in support of this assertion; Beda[2] says of the Old-saxons, that is, the Saxons of the continent: "Non enim habent regem iidem antiqui Saxones, sed satrapas plurimos, suae genti praepositos, qui, ingruente belli articulo, mittunt aequaliter sortes, et quemcumque sors ostenderit, hunc tempore belli ducem omnes sequuntur, huic obtemperant; peracto autem bello, rursum aequalis potentiae omnes fiunt satrapae." And this throws light upon what Tacitus asserts of the Germanic races generally[3]:

[1] In the Dooraunee empire, the Suddozyes had the exclusive right to royalty. Sooja ul Moolk was the last of the race in Caubul. The Essufzyes were hereditary viziers: the Barukzyes, the family of Dost Mahomet Khan, hereditary commanders in chief: the union of the vizierat with the military command in Dost Mahomet's father, led to the ultimate ruin of the Suddozye princes. In the Mogul empire, the great offices of state became hereditary, and the historians of India could speak of the Vizier of Oude, the Nizam, the Peishwa or the Guicowar, long after the throne of Aurungzeb had crumbled to the dust.

[2] Hist. Eccl. v. 10. Ælfred translates the word *satrapae* by *ealdormen*.

[3] Germ. xii.

"Eliguntur in iisdem conciliis et principes, qui iura per pagos, vicosque reddunt."

The early separation of the judicial from the strictly sacerdotal functions, to a certain degree at least, is easily conceived. It would be mere matter of convenience, as soon as a population became numerous and widely dispersed. Yet to a very late period among the Teutons we find traces of the higher character. The ordeal or judgement of God, the casting of lots and divination, are all derived from and connected with priesthood. The heathen place of judgement was sanctified to the gods by priestly ceremonies; nor can it be supposed that the popular councils were held without a due inauguration by religious rites, or a marked exertion of authority by the priests. Tacitus speaking of these parliaments makes the intervention of the priests the very first step to business: "Ut turbae placuit, considunt armati. Silentium per sacerdotes, quibus tum et coercendi ius est, imperatur[1]." The Witena-gemót of later times was opened by the celebration of mass[2], and even yet Mr. Speaker goes to prayers. During the flourishing period of Christianity among the Anglosaxons, synods of the bishops and their clergy were commanded to be held twice a year, to act as supreme courts of jus-

[1] Germ. xi.

[2] "Quadam die multi tam nobiles quam privati primo mane ad ipsum locum placitaturi convenerunt; sed ante placitum ut Presbyter eis missam celebraret rogaverunt. At ille, qui ipsa nocte cum uxore dormierat, ad sacrum altaris officium accedere formidabat; itaque negavit se id facturum," etc. about an. 1045. Sim. Dunelm. Hist. Eccl. Dun. cap. xlv. (lib. iii. cap. 10. p. 169. Ed. of 1732.)

tice, at least in civil causes[1]. The law of the Visigoths, while it recognizes a separation of the persons, implies a confusion of the jurisdiction: "Si iudex vel sacerdos reperti fuerint nequiter iudicasse[2]." The people, it is true, found the judgement or verdict, but the judge declared the law, pronounced the sentence, and most probably superintended the execution: in this he represented at once the justice of the god, and the collective power of the state. Thus then we may conclude that at first in every Mark, and more especially in every Gá or Scír, when various Marks had coalesced, there was found at least one man of a privileged family, who either permanently or for a time conducted the public affairs during peace, and was, from his functions, not less than his descent, nearly connected with the religion of the people and the worship of the gods: whether this man be called ealdorman, *iudex*, *rex*, *satrapa* or *princeps*, seems of little moment: he is the president of the freemen in their solemn acts, as long as peace is maintained, the original King of the shire or small nation. If he be by birth a priest, and distinguished by military talents, as well as elected to be a judge, he unites all the conditions of kingship[3]: and, under such circumstances, he will probably not only extend his power over neighbouring communities,

[1] If Dönniges is right in his view, the Frankish clergy were to exercise a similar jurisdiction in criminal causes of a grave nature. Deutsches Staatsrecht. p. 30.

[2] Leg. Visig. ii. 1. § 23.

[3] "Hic etenim et rex illis et pontifex ob suam peritiam habebatur, et in sua iustitia populos iudicabat." Jornandes.

but even render it permanent, if not hereditary, in his own: a similar process may take place, if the priest or judge be one, the general another, of the same household. We may conclude that the regal power grows out of the judicial and sacerdotal, and that, whether the military skill and authority be superadded or not, *king* is only another name for the judge of a small circuit[1]. It is only when many such districts have been combined, when many such smaller kings have been subdued by one more wise, more wealthy, powerful or fortunate than themselves, that the complete idea of the German kingdom developes itself: that the judicial, military, and even, in part, the priestly powers sink into a subordinate position, and the kingdom represents the whole state, the freemen, the nobles, and the *folcriht* or public law of both. It is thus that the king gains the ultimate and appellate jurisdiction, the right of punishment, and the general conservancy of the peace, as well as the power of calling the freemen to arms (cyninges ban, cyninges útware). When this process has taken place the former kings have become *subreguli*, *principes*, *duces*, ealdormen: they retain their nobility, their original purity of blood, their influence perhaps over their people; but they have sunk into subordinate officers of a state, of which a king at once hereditary and elective is the head[2].

[1] "Nec potest aliquis iudicare in temporalibus, nisi solus rex vel subdelegatus: ipse namque ex virtute sacramenti ad hoc specialiter obligatur, et ideo coronâ insignitur, ut per iudicia populum regat sibi subiectum." Fleta, lib. i. cap. 17. § 1.

[2] "Le titre de roi était primitivement de nulle conséquence chez les

We are tolerably familiar with the fact that at least eight kingdoms existed at once in Saxon England; but many readers of English history have yet to learn that royalty was much more widely spread, even at the time when we hear but of eight, seven or six predominant kings: as this is a point of some interest, a few examples may not be amiss.

It is probable that from the very earliest times Kent had at least two kings, whose capitals were respectively Canterbury and Rochester, the seat of two bishoprics[1]. The distinction of East and West Kentings is preserved till the very downfall of the Saxon monarchy: not only do we know that Eádríc and Hlóðhere reigned together; but also that Wihtred and his son Æðelberht the Second did so[2]. O'swine is mentioned as a king of Kent during the period when our general authorities tell us of Ecgberht alone[3]; contemporary with him we have Swæbheard, another king[4], and all these extend into the period usually given to Eádríc and Hlóðhere. The later years of Æðelberht the Second must have seen his power shared with Eád-

barbares. Ennodius, évêque de Paris, dit d'une armée du grand Théodoric: '*Il y avait tant de rois* dans cette armée, que leur nombre était au moins égal à celui des soldats qu'on pouvait nourrir avec les subsistances exigées des habitans du district où elle campait.'" Michelet, Hist. France, i. 198, note.

[1] At a later period we find a duchy of the Merseware, or inhabitants of Romney marsh, and this is certainly in favour of a third Kentish kingdom. Malmsbury speaks of the reguli whom Æðelberht had subdued, and it is probable that these were petty princes of Kent. De Gest. lib. 1. § 10.

[2] Cod. Dipl. Nos. 72, 77, 86, 108.

[3] Ibid. Nos. 8, 10, 30.

[4] Ibid. Nos. 14, 15. Beda, Hist. Ecc. v. 8.

berht[1], Eardwulf[2], Sigiræd[3] and Ecgberht[4], and Sigiræd deliberately calls himself king of half Kent. A very remarkable document of Eádberht is preserved in the Textus Roffensis[5]; after the king's own signature, in which he calls himself Rex Cantuariorum, his nobles place their names, thus, "Ego Wilbaldus comites meos confirmari et subscribere feci:" and in the same words Dimheahac, Hósberht, Nothbalth, Banta, Ruta and Tidbalth sign. Now the fact of these persons having *comites* at all is only conceivable on the supposition that they were all royal, kings or sub-kings. That they were subordinate appears from the necessity of the grant's being confirmed by Æðelberht, which took place in presence of the grantor and grantee, and the Archbishop, at Canterbury. Among the kings of this small province are also named Æðelríc, Heardberht, Eádberht Pren[6] and Ealhmund[7], the last prince, father of the celebrated Ecgberht of Wessex.

Among the territories which at one time or other were incorporated with the kingdom of Mercia, one is celebrated under the name of Hwiccas: it comprised the then diocese of Worcester. This small province not only retained its king till a late period[8], but had frequently several kings at once; thus

[1] Cod. Dipl. Nos. 85, 106, 107.
[2] Ibid. No. 96.
[3] Ibid. Nos. 110, 114.
[4] Ibid. Nos. 113, 132, 135, 160.
[5] Ibid. No. 85.
[6] Flor. Wig. an. 794.
[7] Flor. Wig. App. *Wessex.*
[8] We lose sight of the Hwiccian kings about the time of Offa's death or an. 796. In 802 we hear indeed of an ealdorman of the Hwiccas, but the Latin authorities translate this by *dux.*

O'sric[1] and O'shere[2]; Æðelweard[3], Æðelheard[4], Æðelríc[5] and in all probability O'swudu, between an. 704–709. A few years later, viz. between an. 757 and 785, we find three brothers Eánberht[6], Ealdred[7] and Uhtred[8] claiming the royal title in the same district, while Offa their relative swayed the paramount sceptre of Mercia. That other parts of that great kingdom had always formed separate states is certain: even in the time of Penda (who reigned from 626 to 656) we know that the Middle Angles were ruled by Peada, his son[9], while Merewald, another son was king of the West Hecan or people of Herefordshire[10]. In the important battle of Winwidfeld, where the fall of Penda perhaps secured the triumph of Christianity, we learn that thirty royal commanders fell on the Mercian side[11]. Under Æðilræd, Penda's son and successor, we find Beorhtwald calling himself a king in Mercia[12]. During the reign of Centwine in Wessex, we hear of a king, Baldred, whose kingdom probably com-

[1] Cod. Dipl. No. 12.
[2] Ibid. Nos. 17, 36.
[3] Ibid. No. 56.
[4] Ibid. No. 53.
[5] Ibid. No. 57.
[6] Ibid. Nos. 102, 105.
[7] Ibid. Nos. 125, 131, 146.
[8] Ibid. Nos. 117, 118, 128, 148.
[9] Beda, Hist. Eccl. iii. 21.
[10] Flor. Wig. Append. *Mercia.*

[11] Beda, Hist. Eccl. iii. 24. "Inito ergo certamine, fugati sunt et caesi pagani, duces regii triginta qui ad auxilium venerant, pene omnes interfecti." The Saxon Chronicle is more detailed; an. 654: "Hér O'swiú cyng ofslóh Pendan cyng on Winwidfelda and þrittig cynebearna mid him; and ðǽr wǽron sume cyningas. Ðǽra sum wæs Æðelhere Annan bróðor, Eástengla cyninges."

[12] Cod. Dipl. No. 26. Malmsbury, it is true, says of him, "Non quidem rex potestate, sed subregulus in quadam regni parte." Vit. Aldhelmi. Ang. Sacra, ii. 10. But it was not to be expected that Malmsbury would understand such a royalty as Baldred's.

prised Sussex and part of Hampshire[1]; at the same period also we find Æðilheard calling himself king of Wessex[2], and perhaps also a brother Æðilweard[3] unless this be an error of transcription. Friðuwald in a charter to the Monastery of Chertsey, mentions the following *subreguli* as concurring in the grant: O'sric, Wighard and Æðelwald[4].

There was a kingdom of Elmet in Yorkshire, and even till the tenth century one of Bamborough. The same facts might easily be shown of Eastanglia[5], Essex and Northumberland, were it necessary; but enough seems to have been said to show how numerously peopled with kings this island, always *fertilis tyrannorum*[6], must have been in times whereof history has no record. As a chronicler of the twelfth century has very justly said, "Ea tempestate venerunt multi et saepe de Germania, et occupaverunt Eástangle et Merce sed necdum sub uno rege redacti erant. Plures autem proceres certatim regiones occupabant, unde innumerabilia bella fiebant: proceres vero, quia multi erant, nomine carent[7]."

From all that has preceded, it is clear that by the term King we must understand something very different among the Anglosaxons from the sense

[1] Gul. Meldun. Ant. Glast. an. 681, pp. 308, 309. Cod. Dipl. Nos. 20, 28, 71, 73.

[2] Cod. Dipl. No. 76. [3] Ibid. No. 73. [4] Ibid. No. 987.

[5] "Igitur rex unus ibi erat aliquando, multi aliquando reguli." Henric. Hunt. lib. v. "Rex autem Eádmundus ipsis temporibus regnavit super omnia regna Eastanglorum." Sim. Dunelm. an. 870.

[6] *εἶναι δὲ καὶ πολυάνθρωπον τὴν νῆσον....βασιλεῖς τε καὶ δυνάστας πολλοὺς ἔχειν.* Diod. Sic. v. 21.

[7] Henric. Hunt. lib. ii.

which we attach to the word: one principal difference lies indeed in this, that the notion of territorial influence is never for a single moment involved in it. The kings are kings of tribes and peoples, but never of the land they occupy,—kings of the Westsaxons, the Mercians or the Kentings, but not of Wessex, Mercia or Kent. So far indeed is this from being the case, that there is not the slightest difficulty in forming the conception of a king, totally without a kingdom:

"Solo rex verbo, sociis tamen imperitabat"[1]

is a much more general description than the writer of the line imagined. The Norse traditions are full of similar facts[2]. The king is in truth essentially one with the people; from among them he springs, by them and their power he reigns; from them he receives his name; but his land is like theirs, private property; one estate does not owe allegiance to another, as in the feudal system: and least of all is the monstrous fiction admitted even for a moment, that the king is owner of all the land in a country.

The Teutonic names for a king are numerous and various, especially in the language of poetry; many of them are immediately derived from the words which denote the aggregations of the people themselves: thus from þeód, we have the Anglosaxon þeóden; from folc, the Old Norše Fylkr; but the term which, among all the Teutons, pro-

[1] Abbo de Bello Paris. Civit. Pertz, ii. 779.
[2] Langebek. ii. 77. Dahlmann, Gesch. d. Dänen, p. 51.

perly denotes this dignity, is derived from the fact which Tacitus notices, viz. the nobility of the king: the Anglosaxon cyning is a direct derivative from the adjective cyne, *generosus*, and this again from cyn, *genus*[1].

The main distinction between the king and the rest of the people lies in the higher value set upon his life, as compared with theirs: as the wergyld or life-price of the noble exceeds that of the freeman or the slave, so does the life-price of the king exceed that of the noble. Like all the people he has a money value, but it is a greater one than is enjoyed by any other person in the state[2]. So again his protection (mund) is valued higher than that of any other: and the breach of his peace (cyninges handsealde friþ) is more costly to the wrong-doer. He is naturally the president of the Witena-gemót and the ecclesiastical synod, and the supreme conservator of the public peace.

To the king belonged the right of calling out the national levies, the *posse comitatus*, for purposes of attack or defence; the privilege of recommending grave causes at least to the consideration of the tribunals; the reception of a certain share of the fines legally inflicted on evil-doers, and of voluntary gifts from the free men; and as a natural and rapid consequence, the levy of taxes and the appointment of fiscal officers. Consonant with his dignity were

[1] The Old High Dutch word is Chuninc; the Old Norse Konungr: the Gothic equivalent has not been found, but certainly was Kuniggs.

[2] In Kent, Mercia and Wessex, the king's wergyld was 120 pounds: half belonged to his family, half to his people.

the ceremonies of his recognition by the people, and the outward marks of distinction which he bore: immediately upon his election he was raised upon a shield and exhibited to the multitude, who greeted him with acclamations[1]: even in heathen times it is probable that some religious ceremony accompanied the solemn rite of election and installation: the Christian priesthood soon caused the ceremony of anointing the new king, perhaps as head of the church, to be looked upon as a necessary part of his inauguration. To him were appropriated the waggon and oxen[2]; in this he visited the several portions of his kingdom: traversed the roads, and proclaimed his peace upon them; and I am inclined to think, solemnly ascertained and defined the national boundaries[3], — a duty symbolical in some degree, of his guardianship of the private boundaries. Among all the tribes there appear to have been some outward marks of royalty, occasionally or constantly borne: the Merwingian kings were distinguished by their long and flowing hair[4], the Goths by a fillet or cap; among the Saxons the

[1] "Levatus in regem: tó cyninge áhafen," continued to be the words in use, long after the custom of really chairing the king had in all probability ceased to be observed.

[2] The Merwingian kings continued to use this: perhaps not the Carolings. Among the Anglosaxons I find no trace of it.

[3] This duty of riding through the land, called by Grimm the "landes bereisung" (Deutsche Rechtsalterthümer, p. 237), is probably alluded to by Beda in his account of Eádwine. Hist. Eccl. ii. 16.

[4] *θεμιστὸν γὰρ τοῖς βασιλεῦσι τῶν Φράγγων οὐ πώποτε κείρεσθαι, ἀλλ' ἀκειρεκόμαι τε εἰσιν ἐκ παίδων ἀεὶ καὶ παρηώρηνται αὐτοῖς ἅπαντες εὖ μάλα ἐπὶ τῶν ὤμων οἱ πλόκαμοι....τοῦτο δὲ ὥσπερ τι γνώρισμα καὶ γέρας ἐξαίρετον τῷ βασιλείῳ γένει ἀνεῖσθαι νεμόμισται.* Agathias. bk. 1.

cynehelm, or cynebeáh, a circle of gold, was in use, and worn round the head. In the Ding or popular council he bore a wand or staff: in wartime he was preceded by a banner or flag. The most precious however of all the royal rights, and a very jewel in the crown, was the power to entertain a *comitatus* or collection of household retainers, a subject to be discussed in a subsequent chapter.

The king, like all other freemen, was a landed possessor, and depended for much of his subsistence upon the cultivation of his estates[1]. In various parts of the country he held lands in absolute property, furnished with dwellings and storehouses, in which the produce of his farms might be laid up, and from one to another of which he proceeded, as political exigencies, caprice, or the consumption of his hoarded stock rendered expedient. In each villa or wíc was placed a bailiff, *villicus*, *wícgeréfa*, whose business it was to watch over the king's interests, to superintend the processes of husbandry, and govern the labourers employed in production; above all to represent the king as regarded the freemen and the officers of the county court.

[1] "De victu ex regis praediis." "Þis is ðonne seó lihtinge ðe ic wylle eallon folce gebeorgan ðe hig ær ðyson midgedrehte wæron ealles tó swýðe. Dæt is ðonne ærost. ðæt ic bebeóde eallum mínan geréfan ðæt hi on mínan ágenan rihtlíce tilian ⁊ me mid ðám feormian. ⁊ ðæt him nán man ne þearf tó feormfultume nán þinge syllan bútan he sylf wille. And gif hwá æfter ðám wíte crafige beó he his weres scyldig wið ðone cyninge." Cnut, § lxx. Thorpe, i. 412, 413. "I command all my reeves that they justly provide [for me] out of my own property, and maintain me therewith; and that no man need give me anything as farm-aid (feormfultum) unless he himself be willing." We here witness the natural progress of oppression.

The lot, share, or as we may call it τέμενος of the king, though thus divided, was extensive, and comprised many times the share of the freeman: we may imagine that it originally, and under ordinary circumstances would be calculated upon the same footing as the wergyld; that if the life of the king was seventy-two times as valuable as that of the ceorl, his land would be seventy-two times as large; if the one owned thirty, the other would enjoy 2160 acres of arable land. But the *comitatus* offers a disturbing force, which, it will hereafter be seen, renders this sort of calculation nugatory in practice; and the experience of later periods clearly proves the king to have been a landowner in a very disproportionate degree. In addition to the produce of his own lands, however, the king was entitled to expect voluntary gifts in kind, *naturalia*, from the people, which are not only distinctly stated by Tacitus[1] to have been so given, but are frequently referred to by early continental historians[2]. In process of time, when these voluntary gifts had been converted into settled payments or taxes, further voluntary aids were demanded, upon the visit of a king to a town or country, the

[1] "Mos est civitatibus ultro ac viritim conferre principibus vel armentorum, vel frugum, quod pro honore acceptum etiam necessitatibus subvenit; gaudent praecipue finitimarum gentium donis, quae non modo a singulis, sed publice mittuntur: electi equi, magna arma, phalerae, torquesque; iam et pecuniam accipere docuimus." Mor. Germ. xv.

[2] "In die autem Martis campo secundum antiquam consuetudinem dona illis regibus a populo offerebantur, et ipse rex sedebat in sella regia, circumstante exercitu, et maior domus coram eo." an. 753. Annal. Laurishamenses Minores (Pertz, Monumenta, i. 116). See other instances in Grimm's Deutsche Rechtsalterthümer, p. 245, etc.

marriage of a princess, or of the king himself, and other public and solemn occasions; from which in feudal times arose the custom of demanding aids from the tenants to knight the lord's son or marry his daughter.

Another source of the royal revenue was a share of the booty taken in war, where the king and the freemen served together. The celebrated story of Clovis and the Soissons vase[1], proves that the king received his portion by lot, as did the rest of his army; but there is no reason to doubt that his share as much exceeded that of his comrades, as his wergyld and landed possessions were greater than theirs.

As conservator of the public peace, the king was entitled to a portion of the fines inflicted on criminals, and the words in which Tacitus mentions this fact show that he was in this function the representative of the whole state[2]: it is a prerogative derived from his executive power. And similar to this is his right to the forfeited lands of felons, which, if they were to be forfeited, could hardly be placed in other hands than those of the king, as representative of the whole state[3].

[1] Greg. Turon. ii. 27.

[2] "Sed et levioribus delictis pro modo poenarum equorum pecorumque numero convicti multantur, pars multae regi vel civitati, pars ipsi qui vindicatur vel propinquis eius exsolvitur." Mor. Germ. xii.

[3] "Unam mansam quam fur quidam ante possederat, a rege cum triginta mancusis auri emit." Cod. Dipl. No. 580. Bishop Denewulf had leased lands to a relative named Ælfred, for a fixed rent. "Is equidem insipiens adulterans stuprum, propriam religiose pactatam abominans, scortum diligens, libidinose commisit. Quo reatu omni substantia peculiali recte privatus est, et praefatum rus ab eo abs-

In proportion as this idea gains ground, the influence of the king in every detail of public life necessarily increases, and the regalia or royal rights become more varied and numerous: he is looked upon as the protector of the stranger, who has no other natural guardian, inasmuch as no stranger can be a member of any of those associations which are the guarantee of the freeman. He has the sole right of settling the value and form of the medium of exchange: through his power of calling out the armed force, he obtains rights which can only consist with martial law,—even the right of life and death [1]: the justice of the whole country flows from him: the establishment of fiscal officers dependent

tractum rex huius patriae suae ditioni avidus devenire iniuste optavit." Cod. Dipl. No. 601. The injustice complained of is in the king's seizing lands that were really not the offender's: but so strong was the king's right, that the church was obliged to buy back its own land for one hundred and twenty mancusses of gold. That these forfeitures resulted from a solemn judicial act admits of no doubt. In 1002, a lady who owned lands was found guilty of fornication, her lands were forfeited, and made over to the king, in the language of the instrument, "vulgari traditione." Cod. Dipl. No. 1296. In 938 Æðelstán gave seven hides of land to the church at Winchester: "istarum autem vii mansarum quantitas iusto valde iudicio totius populi, seniorum et primatum, ablata fuit ab eis qui eorum possessores fuerunt, quia aperto crimine furti usque ad mortem obnoxii inventi sunt; ideoque decretum est ab omni populo ut libri illorum, quos ad has terras habebant, aeternaliter dampnarentur," etc. Cod. Dipl. No. 1002. Æðelsige stole Æðelwine's swine: his land at Dumbleton was accordingly forfeited to the king. "ꝛ man geréhte Æðelrede cyninge ðæt land ꝛ ǽhte." Cod. Dipl. No. 692. The law of the Ripuarian Franks seems to have been somewhat different: see Tit. § lxxix. de homine penduto et eius hereditate; and Eichhorn, i. 269.

[1] I may again refer to the story of the vase at Soissons. Clovis put the soldier to death on pretext of a breach of discipline; in reality, because the man had opposed him with respect to the booty. But, except in the field, it is not to be imagined that Clovis could have taken his life; and certainly not without a legal conviction and condemnation by the people.

upon himself places the private possessions of the freeman at his disposal. The peculiar conservancy of the peace, and command over the means of internal communication enable him to impose tolls on land- and water-carriage: he is thus also empowered to demand the services of the freemen to receive and conduct travelling strangers, heralds or ambassadors from one royal vill to another; to demand the aid of their carts and horses to carry forage, provisions or building-materials to his royal residence. Treasure-trove is his, because where there is no owner, the state claims the accidental advantage, and the king is the representative of the state. It is part of his dignity that he may command the aid of the freemen in his hunting and fishing; and hence that he may compel them to keep his hawks and hounds, and harbour or feed his huntsmen. As head of the church he has an important influence in the election of bishops, even in the establishment of new sees, or the abolition of old established ones. His authority it is that appoints the duke, the geréfa, perhaps even the members of the Witena-gemót. Above all, he has the right to divest himself of a portion of these attributes, and confer them upon those whom he pleases, in different districts.

The complete description of the rights of Royalty, in all their detail, will find a place in the Second Book of this work; they can only be noticed cursorily here, inasmuch as they appertain, in strictness, to a period in which the monarchical spirit, and the institutions proper thereto, had become firmly

settled, and applied to every part of our social scheme. But whatever extension they may have attained in process of time, they have their origin in the rights permitted to the king, even in the remotest periods of which we read.

There cannot be the least doubt that many of them were usurpations, gradual developments of an old and simple principle; and it is only in periods of advanced civilization that we find them alluded to. Nevertheless we must admit that even at the earliest recorded time in our history, the kings were not only wealthy but powerful far beyond any of their fellow-countrymen. All intercourse with foreign nations, whether warlike or peaceful, tends to this result, because treaties and grave affairs of state can best be negotiated and managed by single persons: a popular council may be very properly consulted as to the final acceptance or rejection of terms; but the settlement of them can obviously not be beneficially conducted by so unwieldy a multitude. Moreover contracting parties on either side will prefer having to do with as small a number of negotiators as possible, if it be only for the greater dispatch of business. Accordingly Tacitus shows us, on more than one occasion, the Senate in communication with the princes, not the populations of Germany [1]: and this must naturally be the case where the aristocracy, to whose body the

1 "Angandestrii, principis Cattorum, lectas in Senatu literas." Annal. ii. 88. "Maroboduum.... per dona et legationes petivisse foedus." Annal. ii. 45. "Misitque legatos ad Tiberium oraturos auxilia." Ibid.

king belongs, have the right of taking the initiative in public business[1].

But although we find a great difference in the social position, wealth and power of the king, and those of the noble and freeman, we are not to imagine that he could at any time exercise his royal prerogatives entirely at his royal pleasure[2]: held in check by the universal love of liberty, by the rights of his fellow nobles, and the defensive alliances of the freemen[3], he enjoyed indeed a rank, a splendour and an influence which placed him at the head of his people,—a limited monarchy, but happier than a capricious autocracy: and the historian who had groaned over the vices and tyranny of Tiberius, Nero and Domitian, could give the noble boon of his testimony to the eternal memory of the *barbarous* Arminius.

[1] "De minoribus rebus principes consultant; de maioribus omnes: ita tamen, ut ea quoque, quorum penes plebem arbitrium est, apud principes pertractentur. . . . . Mox rex vel princeps, prout aetas cuique, prout nobilitas, prout decus bellorum, prout facundia est, audiuntur, auctoritate suadendi magis quam iubendi potestate." Mor. Germ. xi.

[2] "Nec regibus infinita, nec libera potestas." Mor. Germ. vii. "Auctore Verrito et Malorige, qui nationem eam regebant, in quantum Germani regnantur." Tac. Annal. xiii. 54.

[3] "Ceterum Arminius, abscedentibus Romanis et pulso Maroboduo, regnum adfectans, libertatem popularium adversam habuit, petitusque armis, cum varia fortuna certaret, dolo propinquorum cecidit." Tac. Annal. ii. 88.

CHAPTER VII.

THE NOBLE BY SERVICE.

I HAVE called the right to entertain a *Comitatus*, or body of household retainers, a very jewel in the crown: it was so because it formed, in process of time, the foundation of all the extended powers which became the attributes of royalty, and finally succeeded in establishing, upon the downfall of the old *dynasts* or nobles by birth, a new order of nobles by service, whose root was in the crown itself. A close investigation of its gradual rise, progress and ultimate development, will show that the natural basis of the Comitatus is in the superior wealth and large possessions of the prince.

In all ages of the world, and under all conditions of society, one profound problem has presented itself for solution; viz. how to reconcile the established divisions of property with the necessities of increasing population. Experience teaches us that under almost any circumstances of social being, a body of men possessed of sufficient food and clothing have been found to increase and multiply with a rapidity far too great to be balanced by the number of natural or violent deaths: and it follows therefore that in every nation which has established

a settled number of households upon several estates, each capable of supporting but one household in comfort, the means of providing for a surplus population must very soon become an object of general difficulty. If the paternal estate be reserved for the support of one son, if the paternal weapons descend to him, to be used in the feuds of his house or the service of the state, what is to become of the other sons who are excluded from the benefits of the succession? In a few instances we may imagine natural affection to have induced a painful, and ultimately unsuccessful, struggle to keep the family together: here and there cases may have occurred in which a community was fortunate enough from its position, to possess the means of creating new estates to suit the new demand: and conquest, or the forcible partition of a neighbouring territory, may have supplied a provision for the new generation. Tacitus indeed tells us[1] that "numerum liberorum finire aut quemquam ex agnatis necare, flagitium habetur:" yet tradition contradicts this, and speaks of the exposure of children immediately after birth, leaving it to the will of the father to save the life of the child or not[2]. And similarly the tales of the North record the solemn and voluntary expatriation of a certain proportion of the people, designated by lot, at certain intervals of time[3]. However, in the natural course of things,

[1] Mor. Germ. xix. [2] Grimm, Rechtsalt. p. 455.

[3] "Cumque, ut dixi, sive parum compluta humo, seu nimium torrida, torpentibus satis, ac parce fructificantibus campis, inediae languor defectam escis regionem attereret, nullumque, parum suppetentibus ali-

he who cannot find subsistence at home must seek it abroad; if the family estate will not supply him with support, he must strive to obtain it from the bounty or necessities of others: for emigration has its own heavy charges, and for this he would require assistance; and in a period such as we are describing, trade and manufacture offer no resources to the surplus population. But all the single hides or estates are here considered as included in the same category, and it is only on the large possessions of the noble that the poor freeman can hope to live, without utterly forfeiting everything that makes life valuable. Some sort of service he must yield, and among all that he can offer, military service, the most honourable and attractive to himself, is sure to be the most acceptable to the lord whose protection he requires.

The temptation to engage in distant or dangerous warlike adventures may not appear very great to the agricultural settler, whose continuous labour will only wring a mere sufficiency from the soil he owns. It is with regret and reluctance that such a man will desert the land he has prepared or the crops he has raised, even when the necessity

mentis, trahendae famis superesset auxilium, Aggone atque Ebbone auctoribus, plebiscito provisum est, ut senibus et parvulis caesis, omnique demum imbelli aetate regno egesta, robustis duntaxat patria donaretur; nec nisi aut armis, aut agris colendis habiles domestici laris paternorumque penatium habitacula retinerent." By the advice however of Gambara, they cast lots, and a portion of the people emigrate. "Igitur omnium fortunis in sortem coniectis, qui designabantur, extorres adiudicati sunt." Saxo Gram. p. 159. Under similar circumstances, according to Geoffry of Monmouth, Hengest came to Britain.

of self-defence calls the community to arms: far otherwise however is it with him who has no means of living by the land, or whom his means place above the necessity of careful, unremitting toil. The prince, enriched by the contributions of his fellow-countrymen, and the presents of neighbouring states or dynasts, as well as master of more land than he requires for his own subsistence, has leisure for ambition, and power to reward its instruments. On the land which he does not require for his own cultivation, he can permit the residence of freemen or even serfs, on such conditions as may seem expedient to himself or endurable to them. He may surround himself with armed and noble retainers, attracted by his liberality or his civil and military reputation[1], whom he feeds at his own table and houses under his own roof; who may perform even servile duties in his household, and on whose aid he may calculate for purposes of aggression or defence. Nor does it seem probable that a community would at once discover the infinite danger to themselves that lurks in such an institution: far more frequently must it have seemed matter of congratulation to the cultivator, that its existence spared him the necessity of leaving the plough and harrow to resist sudden incursions, or enforce measures of internal police; or that the strong castle with its

[1] "Erat autem rex Oswini et aspectu venustus, et statura sublimis, et affatu iucundus, et moribus civilis, et manu omnibus, id est nobilibus simul atque ignobilibus, largus: unde contigit ut ob regiam eius et animi, et vultus, et meritorum dignitatem, ab omnibus diligeretur, et undique ad eius ministerium de cunctis prope provinciis viri etiam nobilissimi concurrerent." Bed. H. E. iii. 14.

band of ever-watchful defenders, existed as a garrison near the disputable boundary of the Mark.

The Germania of Tacitus supplies us with a detailed account of the institution of the Comitatus, which receives strong confirmation on every point from what we gather from other authentic sources. In his own words:—

"Illustrious birth or the great services of their fathers give the rank of princes even to young men: they are associated with the rest who have already made proof of their greater powers. Nor is there any shame in appearing among the comites[1]. Moreover, the Comitatus itself has its grades, according to the judgement of him they follow; and great is the emulation among the comites, as to who shall hold the highest place in the estimation of the prince, and among the princes, as to who shall have the most numerous and the bravest comites. This is dignity, this is power, to be ever surrounded with a troop of chosen youths, a glory in time of peace, and a support in war. Nor is it only in their own tribe, but in the neighbouring states as well, a name and glory, to be distinguished for the number and valour of the comitatus; for they are courted with embassies, and adorned with presents, and keep off wars by their very reputation. When it comes to fighting, it is dishonourable for the prince to be excelled in valour, for the comitatus not to equal the valour of the prince; but infamous, and a reproach throughout life, to

[1] This very assertion proves that the position of the comes was, *in itself*, inferior to that of the freeman.

return from battle the survivor of the prince. To defend and protect him, to reckon to his glory even one's own brave deeds, this is the first and holiest duty. The princes fight for victory, the comites for the prince. If the state in which they spring is torpid with long peace and ease, the most of these young nobles voluntarily seek such nations as may be engaged in war, partly because inaction does not please this race, partly because distinction is more easy of attainment under difficulties. Nor can you keep together a great comitatus, save by violence and war: since it is from the liberality of the prince that they exact that war-horse, that bloody and victorious lance. For feasts and meals, ample though rude, take the place of pay. Wars and plunder supply the means of munificence; nor will you so readily persuade them to plough the land or wait with patience for the year, as to challenge enemies and earn wounds; seeing that it seems dull and lazy to acquire with sweat what you may win with blood[1]."

It would be difficult in a few lines to give anything like so clear and admirable an account of the peculiarities of the Comitatus, as Tacitus has left us in this vigorous sketch; and little remains but to show how his view is confirmed by other sources of information, and to draw the conclusions which naturally result from these premises.

To the influence and operation of these associations are justly attributed not only the conquests of the various tribes, but the most important modifi-

[1] Mor. Germ. xiii. xiv.

cations in the law of the people. As the proper name for the freeman is ceorl, and for the born-noble eorl, so is the true word for the comes, or comrade, gesíð. This is in close etymological connection with síð, a journey, and literally denotes one who accompanies another. The functions and social position of the gesíð led however to another appellation: in this peculiar relation to the prince, he is þegn, a thane, strictly and originally a servant or minister, and only noble when the service of royalty had shed a light upon dependence and imperfect freedom. Beówulf describes himself as the relative and thane of Hygelác: but his royal blood and tried valour make him also the head of a comitatus, and he visits Heort with a selected band of his own comrades, swæse gesíðas: they, like himself, belong however to his lord, and are described as Hygelác's beódgeneátas, heorðgeneátas (tischgenossen, heerdgenossen), sharers in the monarch's table and hearth. A portion of the booty taken in war naturally became the property of the gesíðas; this almost follows from the words of Tacitus; and Saxo Grammaticus, who in this undoubtedly expresses a genuine fact, although after a peculiar fashion of his own, says of one of his heroes[1], "Proceres non solum domesticis stipendiis colebat, sed etiam spoliis ex hoste quaesitis: affirmare solitus, pecuniam ad milites, gloriam ad ducem redundare debere." And again[2], "Horum omnium clientelam rex liberali familiaritate coluerat. Nam primis apud eum honoribus, habitum, cultos auro

[1] Hist. Dan. p. 6.

[2] Ibid. p. 144.

gladios, opimaque bellorum praemia perceperunt." Thus also Hialto sings[1],

> " Dulce est nos domino percepta rependere dona,
> Acceptare enses, famaeque impendere ferrum.
> .....
> Enses theutonici, galeae, armillaeque nitentes,
> Loricae talo immissae, quas contulit olim
> Rolvo suis, memores acuant in praelia mentes.
> Res petit, et par est, quaecumque per otia summa
> Nacti pace sumus, belli ditione mereri."

The same amusing author tells us[2] how on some occasion, in consequence of there being no queen in a court, the comites were ill supplied with clothes, a difficulty which they could only provide against by inducing their king to marry: " Igitur contubernales Frothonis circa indumentorum usum feminea admodum ope defecti, quum non haberent unde nova assuere, aut lacera reficere possent, regem celebrandi coniugii monitis adhortantur." There seems no reason to doubt the fact thus recorded, however we may judge respecting its occurrence in the time of Frotho. Similarly when Siegfried set out upon his fatal marriage expedition into Burgundy, he and his twelve comrades were clothed by the care of the royal Síglint[3]. From this relation between the prince and the comites, are derived the names appropriated to the former in the epopoea, of hláford, lord, literally *bread-giver*: sinces brytta, beága brytta, *distributor of treasure, rings*; sincgifa, *treasure-giver*, and the like. It is clear also that a right to any share in the booty could not be claimed by the gesíð, as it undoubt-

[1] Sax. Gram. Hist. Dan. p. 33.
[2] Hist. Dan. p. 68.
[3] Nibelunge Nôt. 66. p. 10 Lachman.

edly could by the free soldier in the *Hereban*, but depended entirely upon the will of the chief, and his notions of policy: a right could not have been described as the result of his liberality. In the historical time of Charlemagne we have evidence of this[1]: "Quo accepto.... idem vir prudentissimus idque largissimus et Dei dispensator magnam inde partem Romam ad limina Apostolorum misit per Angilbertum dilectum abbatem suum; porro reliquam partem obtimatibus, clericis sive laicis, caeterisque fidelibus suis largitus est:" or, as it is still more clearly expressed in the annals of Eginhart[2], "reliquum vero inter optimates et aulicos, caeterosque in palatio suo militantes, liberali manu distribuit." And similarly we are told of Æðelstán: "Praeda quae in castro reperta fuerat, et ea quidem amplissima, magnifice et viritim divisa. Hoc enim vir ille animo imperaverat suo, ut nihil opum ad crumenas corraderet; sed omnia conquisita, vel monasteriis, vel fidelibus suis, munificus expenderet[3]." The share of the freeman who served under his geréfa, and not under a lord, was his own by lot, and neither by *largitio* nor *liberalitas*,—a most important distinction, seeing that where all was left to the arbitrary disposition of the chief, the subservience of the follower would very naturally become the measure of his liberality.

The relation of the Comites was one of fealty: it was undertaken in the most solemn manner,

[1] Annal. Laurish. an. 796. Pertz, Mon. Germ. i. 182.
[2] An. 796. Pertz, i. 183.
[3] Gul. Meldun. Gest. Reg. i. 213, § 134.

and with appropriate, symbolic ceremonies, out of which, in later times, sprung homage and the other incidents of feudality. All history proves that it was of the most intimate nature; that even life itself was to be sacrificed without hesitation if the safety of the prince demanded it: the gesíðas of Beówulf expose themselves with him to the attack of the fiendish Grendel[1]; Wígláf risks his own life to assist his lord and relative in his fatal contest with the firedrake[2]; and the solemn denunciation which he pronounces against the remaining comites who neglected this duty, recalls the words of Tacitus, and the infamy that attached to the survivors of their chief[3]:

Hú sceal sincþego	How shall the service of treasure
and swyrdgyfu,	and the gift of swords,
eall éðelwyn,	all joy of a paternal inheritance,
eówrum cynne	all support
lufen álicgean:	fail your kin:
londrihtes mót	of the rights of citizenship must
ðære mægburge	every one
monna æghwilc	of your family
ídel hweorfan,	go about deprived,
siððan æðelingas	when once the nobles
feorran gefricgean	far and wide shall hear
fleám eówerne,	of your flight,
dómleásan dæd.	your dishonourable deed.
Deáð bið sella	Death is better
eorla gehwylcum	for every warrior
ðonne edwitlif.	than a life of shame.

But we are not compelled to draw upon the stores of poetry and imaginative tradition alone: the sober records of our earlier annalists supply ample evidence in corroboration of the philosophical historian.

[1] Beówulf, l. 1582 *seq.*
[2] Ibid. l. 5262 *seq.*, 5384 *seq.*
[3] Ibid. l. 5763.

When Cwichelm of Wessex sent an assassin to cut off Eáduuini of Northumberland, that prince was saved by the devotion of his thane Lilla, who threw himself between, and received the blow that was destined for his master; in the words of Beda[1]: "Quod cum videret Lilla minister regis amicissimus, non habens scutum ad manum quo regem a nece defenderet, mox interposuit corpus suum ante ictum pungentis; sed tanta vi hostis ferrum infixit, ut per corpus militis occisi etiam regem vulneraret." Again we learn that in the year 786, Cyneheard, an ætheling of Wessex, who had pretensions to the crown, surprised the king Cynewulf at the house of a paramour at Merton, and there slew him. He proffered wealth and honours to the comites of the king, which they refused, and with small numbers manfully held out till every one had fallen. On the following morning a superior force of the king's thanes came up: to them again the ætheling offered land and gold, but in vain: he was slain on the spot with all his own comites, who refused to desert him in his extremity. This is the account given of these facts in the words of the Saxon Chronicle itself[2]:

And ðá gebeád he him heora ágenne dóm feos and londes, gif hie him ðæs ríces úðon, and him cýðde, ðæt heora mágas him mid wǽron, ða ðe him from noldon. And ðá cwǽdon hie, ðæt him nénig mǽg leófra nǽre ðonne heora hláford, and hie næfre his banan

And then he offered them their own desire of money and land, if they would grant him the kingdom, and he told them that their own relatives were with him, who would not desert him. Then said they, that no relative was dearer to them than their lord, and that

[1] Hist. Ecc. ii. 9.

[2] Chron. Sax. an. 755.

folgian noldon. And ðá budon hie heora mægum ðæt hie him gesunde from eódon. And hie cwǽdon, ðæt ðæt ilce heora geferum geboden wǽre ðe ǽr mid ðám cyninge wǽron; ðæt hie hie ðæs ne onmunden, ðon má ðe eówre geferan ðe mid ðám cyninge ofslægene wǽron.

they never would follow his murderer. And then they offered their relatives that they should leave him, with safety for themselves: but they said, that the same offer had been made to their own comrades who at first were with the king: that they paid no more attention to it, than your comrades who were slaughtered with the king.

Æthelweard, Florence of Worcester, and Henry of Huntingdon all follow the chronicle, which in some details they apparently translate. Malmsbury seems to adopt the same account, but adds a few words which have especial reference to this portion of the argument[1]: "quorum (*i. e.* comitum) qui maximus aevo et prudentia Osricus, caeteros cohortatus ne necem domini sui in insignem et perpetuam suam ignominiam inultam dimitterent, districtis gladiis coniuratos irruit."

It is obvious that from this intimate relation between the prince and the gesíð must arise certain reciprocal rights and duties, sanctioned by custom, which would gradually form themselves into a code of positive law, and ultimately affect the state and condition of the freemen. In the earliest development of the Comitatus, it is clear that the idea of freedom is entirely lost: it is replaced by the much more questionable motive of *honour*, or to speak more strictly, of rank and station. The comes may indeed have become the possessor of land, even of very large tracts[2], by gift from his

[1] Gest. Reg. i. § 42.

[2] Beówulf, l. 5984 *seq.*

prince; but he could not be the possessor of a free Hide, and consequently bound to service in the general *fyrd*, or to suit in the folcmót: he might have wealth, and rank and honour, be powerful and splendid, dignified and influential, but he could not be free: and if even the freeman so far forgot the inherent dignity of his station as to carry himself (for his éðel I think he could not carry) into the service of a prince,—an individual man, although a prince, and not as yet the state, or the representative of the state,—can it be doubted that the remunerative service of the chief would outweigh the barren possession of the farmer, or that the festive board and adventurous life of the castle would soon supply excuses for neglecting the humbler duties of the popular court and judicature? Even if the markmen razed him from their roll, and committed his éðel to a worthier holder, what should he care, whom the liberality of his conquering leader could endow with fifty times its worth; and whose total divorce from the vulgar community would probably be looked upon with no disfavour by him who had already marked that community for his prey? Nor could those whom the gesíð in turn settled upon lands which were not within the general mark-jurisdiction, be free markmen, but must have stood towards him in somewhat the same relation as he stood to his own chief. Upon the plan of the larger household, the smaller would also be formed: the same or similar conditions of tenure would prevail; and the services of his dependants he was no doubt bound to hold at the disposal of his own lord, and

to maintain for his advantage. We have thus, even in the earliest times, the nucleus of a standing army, the means and instruments of aggrandizement both for the King and the prætorian cohorts themselves; practised and delighting in battle, ever ready to join in expeditions which promised adventure, honour or plunder, feasted in time of peace, enriched in time of war; holding the bond that united them to their chief as more sacred and stringent than even that of blood[1], and consequently ready for his sake to turn their arms against the free settlers in the district, whenever his caprice, his passion or his ambition called upon their services. In proportion as his power and dignity increased by their efforts and assistance, so their power and dignity increased: his rank and splendour were reflected upon all that surrounded him, till at length it became not only more honourable to be the unfree chattel of a prince, than the poor, free cultivator of the soil, but even security for possession and property could only be attained within the compass of their body. As early as the period when the Frankish Law was compiled, we find the great advantage enjoyed by the Comes over the Free Salian or Ripuarian, in the large proportion borne by his wergyld, in comparison with that of the latter[2].

The advantage derived by the community from

[1] Ælfred excepts the lord, while he defines the cases in which a man may give armed assistance to his relative. The right of private feud is not to extend to that sacred obligation of fealty. Ll. Ælf. § 42.

[2] Ll. Salic. Tit. lvii. cap. 1, 2. Ll. Rip. liii. cap. 1, 2.

the presence and protection of an armed force such as the gesíðas constituted, must have gradually produced a disposition to secure their favour even at the expense of the free nobles and settlers: and a Mark that wished to entrust its security and its interests to a powerful soldier, would probably soon acquiesce in his assuming a direction and leadership in their affairs, hardly more consistent with their original liberty, than the influence which a modern nobleman may establish by watching, as it is called, over the interests of the Registration. Even the old nobles by blood, who gradually beheld themselves forced down into a station of comparative poverty and obscurity, must have early hastened to give in their adhesion to a new order of things which held out peculiar prospects of advantage to themselves; and thus, the communities, deserted by their natural leaders, soon sunk into a very subordinate situation, became portions of larger unities under the protection, and ultimately the rule, of successful adventurers, and consented without a struggle to receive their comites into those offices of power and distinction which were once conferred by popular election.

As the gesíðas were not free, and could not take a part in the deliberations of the freemen at the folcmót, or in the judicial proceedings, except inasfar as they were represented by their chief, means for doing justice between themselves became necessary: these were provided by the establishment of a system of law, administered in the lord's court, by his officers, and to which all his depen-

dants were required to do suit and service as amply as they would, if free, have been bound to do in the folcmót. But the law, administered in such a court, and in those formed upon its model in the lands of the comites themselves,—a privilege very generally granted by the king, at least in later periods[1],—was necessarily very different from that which could prevail in the court of the freemen: it is only in a lord's court that we can conceive punishments to have arisen which affected life and honour, and fealty with all its consequences to have attained a settled and stringent form, totally unknown to the popular judicature. Forfeiture, or rather excommunication, and pecuniary mulcts, which partook more of the nature of damages than of fine, were all that the freeman would subject himself to under ordinary circumstances. Expulsion, degradation, death itself might be the portion of him whose whole life was the property of a lord,

[1] Eádweard of Wessex in 904 transferred his royal rights in Taunton to the see of Winchester. He says: "Concessi ut episcopii homines, tam nobiles quam ignobiles (i. e. XII hynde and II hynde) in praefato rure degentes, hoc idem ius in omni haberent dignitate (hád) quo regis homines perfruuntur, regalibus fiscis commorantes: et omnium saecularium rerum iudicia ad usus praesulum exerceantur eodem modo quo regalium negotiorum discutiuntur iudicia. Praedictae etiam villae mercimonium quod Anglice ðæs túnes cýping appellatur, censusque omnis civilis, sanctae dei ecclesiae in Wintonia civitate sine retractationis obstaculo cum omnibus commodis aeternaliter deserviat." Cod. Dipl. No. 1084. He had previously granted an immunity from regal and comitial interference; the result of which was to place all judicial and fiscal functions in the hands of the bishop's reeve instead of the sheriff, or the king's burgreeve. The document furnishes an admirable example of an *Immunity*, or, as it is technically called in the Anglo-saxon law, a grant of *Sacu and Sócn*.

to be by him disposed of at his pleasure. Hence the forfeiture of lands for adultery and fornication, and hence even Ælfred affixes the penalty of death to the crime of hláfordsyrwe, or conspiracy against a lord[1], while manslaughter could still be compounded for by customary payments. One or two special cases may be quoted to show how the relation of the gesíð to his chief modified the general law of the state.

The horse and arms which, in the strict theory of the comitatus, had been the gift, or rather the loan of the chief, were to be returned at the death of the vassal, in order, according to the same theory, that they might furnish some other adventurer with the instruments of service[2]. These, technically called Heregeatwe, *armatura bellica,* have continued even to our own day under the name of Heriot, and strictly speaking consist of horses and weapons. In later imitation of this, the unfree settlers on a lord's land, who were not called upon by their tenure to perform military service, were bound on demise to pay the best chattel (*melius catallum, best head,* in German beste haupt, heriot-custom, as opposed to heriot-service) to the lord, probably on the theoretical hypothesis that he, at

[1] Ll. Ælfr. Introduction, and § 4.

[2] This is necessary in a country where the materials of which weapons are fabricated are not abundant, which Tacitus notices as the case in Germany, "ne ferrum quidem superest, sicut ex genere telorum colligitur." Germ. vi. Adventurers, ever on the move, are prone to realize their gains in the most portable shape. Rings, gems and arms are the natural form, and a Teutonic king's treasury must have been filled with them, in preference to all other valuables.

the commencement of the tenancy, had supplied the necessary implements of agriculture. And this differs entirely from a Relief[1], because Heriot is the act of the leaving, Relief the act of the incoming tenant or heir[2]; and because in its very nature and amount Heriot is of a somewhat indefinite character, which Relief is not.

In the strict theory of the comitatus, the gesíð could possess no property of his own; all that he acquired was his lord's, and even the liberalities of the lord himself were only *beneficia* or loans, not absolute gifts[3]: he had the usufruct only during life, the *dominium utile*: the *dominium directum* was in the lord, and at the death of the tenant it is obvious that the estate vested in the lord alone: the gesíð could have no *ius testamenti*, as indeed he had no family: the lord stood to him in place

[1] Relief, *relevium*, from *relevare*, to lift or take up again. It is a sum paid by the heir to the lord, on *taking* or *lifting up again* the inheritance of an estate which has, as it were, fallen to the ground by the death of the ancestor.

[2] Fleta, lib. iii. cap. 18.

[3] Montesquieu has seen this very clearly, when he considers even the horse and *framea* of Tacitus in the light of *beneficia*. From a charter of Æðelflæd, an. 915–922, it would seem that in Mercia a thane required the consent of the lord, before he could purchase an estate of bookland: "Ego Æðelflæd .... dedi licentiam Eádríco meo ministro comparandi terram decem manentium æt Fernbeorgen, sibi suisque haeredibus perpetualiter possidendam." Cod. Dipl. No. 343. About the close of the ninth century, Wulfhere, a duke, having left the country, and so deserted the duties of his position, was adjudged to lose even his private lands of inheritance: "Quando ille utrumque et suum dominum regem Ælfredum et patriam, ultra iusiurandum quam regi et suis omnibus optimatibus iuraverat, sine licentia dereliquit. Tunc etiam, cum omnium iudicio sapientium Geuisorum et Mercensium, potestatem et haereditatem dereliquit agrorum." Cod. Dipl. No. 1078. The importance of this passage seems to me to rest upon the words "sine licentia."

of father, brother and son. Hereditary succession, which must at first have been a very rare exception, could only have arisen at all either from the voluntary or the compelled grant of the lord: it could only become general when the old distinction between the free markman and the gesíð had become obliterated, and the system of the Comitatus had practically and politically swallowed up every other. Yet even under these circumstances it would appear that a perfectly defined result was not attained; and hence, although the document entituled "Rectitudines singularum personarum" numbers the *ius testamenti* among the rights of the þegen[1], yet even to the close of the Anglosaxon monarchy, we find dukes, præfects, kings' thanes and other great nobles humbly demanding permission from the king to make wills, entreating him not to disturb their testamentary dispositions, and even bribing his acquiescence by including him among the legatees. In this as in all human affairs, a compromise was gradually found necessary between opposing powers, and the king as well as the comites, neither of whom could dispense with the assistance of the other, found it advisable to make mutual concessions. I doubt whether at even an earlier period than the eleventh century, the whole body of thanes would have permitted the king to disregard the testament of one of their body, unless upon definite legal grounds, as for example grave suspicion

[1] "Þegenes lagu is ðæt he sý his bócrihtes wyrðe; taini lex est ut sit dignus rectitudine testamenti sui." Thorpe, i. 432. And with this Ælfred's law of entails is consistent. Ll. Ælf. § 41. Thorpe, i. 88.

of treason: but still they might consent to the nominal application and sanction of the ancient principle, by allowing the insertion of a general petition, that the will might stand, in the body of the instrument[1].

The circumstances thus brought under review show clearly that the condition of the gesíð was unfree in itself; that even the free by birth who entered into it, relinquished that most sacred inheritance, and reduced themselves to the rank of thanes, ministers or servants. Certain rights and privileges grew up, no doubt, by custom, and the counts were probably not very long subject to the mere arbitrary will of the chief: they had the protection of others in a similar state of dependency to their own, and chances, such as they were,

[1] Toward the end of the tenth century, Beorhtric, a wealthy noble in Kent, devised land by will to various relatives. He left the king, a collar worth eighty mancuses of gold, and a sword of equal value; his heriot, comprising four horses, two of which were saddled; two swords with their belts; two hawks, and all his hounds. He further gave to the queen, a ring worth thirty mancuses of gold, and a mare, that she might be his advocate (forespræce) that the will might stand, "ðæt se cwide stondan mihte." Cod. Dipl. No. 492. Between 944 and 946, Æðelgyfu devised lands and chattels to St. Albans, "cum consensu domini mei regis." The king and queen had a very fair share of this spoil. Cod. Dipl. No. 410. Between 965 and 975, Ælfheáh, an ealdorman, or noble of the highest rank, and cousin of Eádgár's queen Ælfðrýð, left lands, a good share of which went to the king and queen: the will was made, "be his cynehláfordes geþafunge," by his royal lord's permission, and winds up with this clause: "And the witnesses to this permission which the king granted (observe, not to the will itself, but to the king's permission to leave the property as he did,) are Ælfðrýð the queen and others." Cod. Dipl. No. 593. Æðelflæd a royal lady, left lands, some of which went to the king: she says, "And ic bidde mínan leófan hláford for Godes lufun, ðæt mín cwide standan móte,"—and I beg my dear Lord, for God's love, that this my will may

of subservience to the king's wishes: a bond of affection and interdependence surpassing that of blood, and replacing the mutual free guarantee of life and security, was formed between them; and they shared alike in the joys and sorrows, the successes and reverses of peace and war: but with it all, and whatever their rank, they were in fact menials, housed within the walls, fed at the table, clothed at the expense of their chief; dependent upon his bounty, his gratitude or forbearance, for their subsistence and position in life; bound to sacrifice that life itself in his service, and, strictly considered, incapable of contracting marriage or sharing in the inestimable sanctities of a home. They were his cupbearers, stewards, chamberlains and grooms; even as kings and electors were to

stand. Cod. Dipl. No. 685. In the time of Æðelred, Wulfwaru, a lady, commences her will in these words: "Ic Wulfwaru bidde míne leófan hláford Æðelred kyning, him tó ælmyssan, ðæt ic móte beón mínes ewides wyrðe;" *i. e.* that I may be worthy of my right of devising by will; that I may enjoy my right of making a will. Cod. Dipl. No. 694. Ælfgyfu the queen in 1012 commences her will in similar terms: "Dis is Ælfgyfe gegurning tó hire cynehláforde. Dæt is ðæt heó hine bitt for Godes lufun and for cynescipe ðæt heó móte beón hyre ewides wyrðe." Cod. Dipl. No. 721. Æðelstân, king Æðelred's son, made also a will, from which I take the following passage: "Now I thank my father, with all humility, in the name of Almighty God, for the answer which he sent me on the Friday after Midsummer day, by Ælfgár Æffa's son; that was, that he told me, upon my father's word, that I might, by God's leave and his, grant my realty and chattels, as I thought best, whether for spiritual or temporal ends. And the witnesses to this answer are Eádmund," etc. Cod. Dipl. No. 722. Lastly, Ælfhelm concludes his will with these words: "Now I entreat thee, my dear lord, that my will may stand, and that thou permit not that any man should set it aside. God is my witness that I was ever obedient to thy father, to the utmost of my power, and full faithful to him both in mind and main, and have ever been faithful to thee, in full faith and full love, as God is my witness." Cod. Dipl. No. 967.

the emperor, whom they had raised out of their own body. The real nature of their service appears even through the haze of splendour and dignity which gradually surround the intimate servants of royalty; and as the chief might select his comites and instruments from what class he chose, it was the fate of these voluntary thanes, not unfrequently to be numbered in the same category with the unfree by birth, and thus, in their own persons, to witness the destruction of that essential principle of all Teutonic law, the distinction between the freeman and the serf[1].

Great indeed ought to be the advantages which could compensate for sacrifices like these, and great in their eyes, beyond a doubt, they were. In return for freedom, the gesíð obtained a certain maintenance, the chance of princely favour, a military and active life of adventure, with all its advantages of pillage, festivals and triumphs, poets and minstrels, courtly halls and adventitious splendour; the usufruct at least, and afterwards the possession, of lands and horses, arms and jewels. As the royal power steadily advanced by his assistance, and the old, national nobility of birth, as well as the old, landed freeman sunk into a lower rank, the gesíð found himself rising in power and consideration proportioned to that of his chief: the offices which had

[1] "Liberti non multum supra servos sunt, raro aliquod momentum in domo, nunquam in civitate; exceptis duntaxat iis gentibus, quae regnantur: ibi enim et super ingenuos et super nobiles ascendunt: apud caeteros impares libertini libertatis argumentum sunt." Tac. Germ. xxv.

passed from the election of the freemen to the gift of the crown [1], were now conferred upon him, and the ealdorman, duke, geréfa, judge, and even the bishop, were at length selected from the ranks of the comitatus. Finally, the nobles by birth themselves became absorbed in the ever-widening whirlpool; day by day the freemen, deprived of their old national defences, wringing with difficulty a precarious subsistence from incessant labour, sullenly yielded to a yoke which they could not shake off, and commended themselves (such was the phrase) to the protection of a lord; till a complete change having thus been operated in the opinions of men, and consequently in every relation of society, a new order of things was consummated, in which the honours and security of service became more anxiously desired than a needy and unsafe freedom; and the alods being finally surrendered, to be taken back as *beneficia*, under mediate lords, the foundations of the royal, feudal system were securely laid on every side.

[1] By this step, the crown became the real leader of the herebán, or posse comitatus, as well as of the gesíðas and their power: and thus also, the head of the juridical power in the counties, as well as the lords' courts. Moreover it extended the powers and provisions of martial law to the offences of the freemen.

CHAPTER VIII.

THE UNFREE. THE SERF.

We have considered the case of the wife, the son and the daughter[1], as far as can be done until we come to deal with the family relations; and we have examined the position of one peculiar class of the unfree, namely the comites or gesíðas of the kingly leaders. Another, but less favoured, class remain to be noticed, those namely whom the Latin authors designate by the terms Libertus and Servus, and who, among all the nations of Germanic origin, are found under the corresponding denominations of Lazzi or Dió, Læt or Ðeów, Lýsingr or þræl. These have no honourable, no profitable service to compensate for the loss of independence, but form the large body of hired cultivators, the artizans and handicrafts in various branches of industry, the prædial, even the domestic or menial servants of the free landowner.

The grounds as well as the degrees of slavery (by which term I mean dependence, the being in the mund of another, and represented by him in the folcmót) are various; one, viz. poverty arising

[1] Page 129.

from over-population, has been noticed in the last chapter; but I agree with Eichhorn[1] and Grimm[2], in attributing the principal and original cause of slavery in all its branches to war and subsequent conquest. Another and important cause is forfeiture of liberty for crime; and the amount of dependence, the gentler or harsher condition of the serf, depend to a great extent upon the original ground of servitude. If the victor has a right to the life of the vanquished, which by the law of nature is unquestionably the case, he possesses *à fortiori* a perfect claim to the person, the property and the services of his prisoner, if his self-interest or the dictates of humanity induce him to waive that right[3]. These remarks apply no doubt, in their full force, only to our pagan forefathers; but even Christianity itself did not at once succeed in rooting out habits which its divine precepts of justice and mercy emphatically condemn. Beda, in his desire to prove the efficacy of the mass for the dead[4], tells an interesting story of a young noble

[1] Deut. Staatsges. i. 72, § 15.

[2] Deutsche Rechtsalterthümer, p. 320, with the numerous examples there given. So Fleta. "Fiunt autem homines servi de iure gentium captivitate: bella enim orta sunt, et captivitates sequutae. Fiunt etiam de iure civili, per confessionem in curia fisci factam." Lib. i. c. 3. § 3.

[3] A whole army may be devoted as victims by the conquerors. "Sed bellum Hermunduris prosperum, Cattis exitiosius fuit, quia victores diversam aciem Marti ac Mercurio sacravere, quo voto equi, viri, cuncta victa occidioni dantur." Tac. Annal. xiii. 57. "Lucis propinquis barbarae arae, apud quas tribunos ac primorum ordinum centuriones mactaverant .... cladis superstites, pugnam aut vincula elapsi, referebant .... quot patibula captivis, quae scrobes," etc. Tac. Annal. i. 61.

[4] Hist. Eccles. iv. 22.

who was left severely wounded on the field, after a battle between Ecgfriδ of Northumberland and Æδelred of Mercia, in the year 679. Fearful of the consequences should his rank be discovered, he disguised himself in the habit of a peasant, and assumed that character, at the castle of the earl into whose hands he fell; declaring that he was a poor, and married man[1], who had been compelled to attend the army with supplies of provisions. But his language and manners betrayed him, and at length, under a solemn promise of immunity, he revealed his name and station. The reply of the earl is characteristic; he said: "I knew well enough from thy answers that thou wert no rustic; and now indeed thou art worthy of death, seeing that all my brothers and relations were slain in that battle: yet I will not kill thee, lest I should break the faith that I have pledged." Accordingly when his wounds were healed, his captor sold him to a Frisian in London, who, finding that he could not be bound, finally released him on his parole and permitted him to ransom himself. Whatever the motive, it is thus clear that the victor possessed the right of life and death over his captive, even when taken in cold blood; and the traditions, as well as the historical records of the northern nations are filled with instances of its exercise.

[1] This is confirmatory of the statement in the last chapter, that, strictly speaking, the Comes could not marry. One cannot see why the assertion should have been made on any other grounds: his great anxiety was to prove himself not a comes or minister, and as one argument, he states himself to be "uxoreo nexu constrictus."

It does not however by any means follow that the total defeat of a hostile tribe resulted in the immediate and direct enslaving of all the survivors: as in the example just cited, the blood-feud no doubt frequently led to the murder of the captive chiefs and nobles, even if less justifiable motives did not counsel the same miserable means of removing dangerous competitors[1]; but the heavy doom of death must have been one of the melancholy privileges of the noble class: and even though many of the common freemen may have been sold or retained as slaves at the caprice of the captors, still we cannot suppose this to have been the lot of any but those who had actually taken part in combat; no natural or national law could extend these harsh provisions to the freemen who remained quiet at home. Nevertheless even these were liable to be indirectly affected by the hostile triumph, inasmuch as the conquerors appear invariably to have taken a portion, more or less great, of the territory occupied by the conquered[2]: and wherever this is

[1] After a battle between Ragnachari and Chlodowich, in which the former was taken prisoner, the victor thus addressed him: "Cui dixit Chlodoveus, Cur humiliasti gentem nostram, ut te vinciri permitteres? Nonne melius tibi fuerit mori? Et elevata bipenne, in caput eius defixit, et mortuus est. Conversusque ad fratrem eius, ait: Si tu solatium fratri tuo praebuisses, ille ligatus non fuisset! Similiter et ipsum in capite percussum interfecit, et mortuus est." Gest. Reg. Franc. (Script. Rer. Gall. et Francic. ii. 555.) It was the interest of Chlodowich to put these princes to death, but there must still have been some *right* acknowledged in him to do so. He seems however to rest it upon the disgrace which they had brought upon the mægburh, *gens* or family, by suffering themselves to be captured and bound.

[2] "Quod Ariovistus..... in eorum finibus consedisset, tertiamque

the case to the extent of depriving the cultivator of means sufficient for his support, he has no resource but to place himself in dependence upon some wealthier man, and lose, together with his lot or κλῆρος, the right to form an integral part of the state: the degree of his dependence, and the consequent comparative suffering to himself, may vary with a multitude of circumstances; but the one fact still remains, viz. that he is in the mund or hand of another, represented in the state by that other, and consequently, in the most emphatic sense of the word, *unfree*.

It is now generally admitted that this must have been the case with the whole population in some districts, who thus became dependent upon a few intrusive lords: but still these populations cannot be said to have stood in that peculiar relation to the conquerors, which the word *servus* strictly implies towards an owner. The utmost extent of their subjection probably reached no further than the payment of tribute, the exclusion from military duty and the standing under a protectorate[1]. Inglorious and easy, when once the dues of the lord were paid, they may even have rejoiced at being spared the danger of warfare and the laborious suit

partem agri Sequani qui esset optimus totius Galliae, occupavisset; et nunc de altera parte tertia Sequanos decedere iuberet." Cæs. Bell. Gall. i. 32. The same proportion of a *third*, sometimes however in produce, not land, occurs in other cases: Eichhorn, Deut. Staatsges. i. 161 *seq.* § 23, with the accompanying quotations.

[1] This is the condition of the Perioecians in Laconia, with the exception that these were called upon for military service. The Helotae or Penestae were more nearly praedial serfs.

of the folcmót, and forgotten that self-government is the inherent right and dignity of man, in the convenience of having others to defend and rule them. Moreover the territorial subjection was not necessarily a juridical one: indeed some of the Teutonic conquerors recognized as positive law, the right of even the dependent Romans and Provincials to be judged and taxed according to the rules and maxims of Roman, not Salic or Langobardic, jurisprudence: and this, when carried out in the fullest detail with respect to the various tribes at any time united under one supreme head, constitutes what is now called the system of *Personal Right*, whereby each man enjoyed the law and forms of law to which he was born, without the least reference to the peculiar district in which he might happen to live; in other words, that he carried his own law about, whithersoever he went, as a quality attached to his own person, and not in the slightest degree connected with or dependent upon any particular locality. In this way Alamanni, Baiowari, Saxons, Frisians, Langobards, Romans, Gallic provincials and Slavonic populations, were all united under the empire of the Salic and Ripuarian Franks[1]. The peculiar circumstances under which the conquest took place must, of course, have defined the relations under which the subject stood to the ruling state. It is conceivable that the conquerors might not want land, but be contented with glory and

[1] This led by degrees to the vast power and influence of all the clergy, who were originally Roman, and who, whatever their nation might be, lived under the Roman law, "per clericalem honorem."

pillage; or they might not be able to seize and retain the conquered territory: or again they may have required new settlements for themselves and their allies, to obtain which they waged a war of extermination. Thus the Suevi, although unable to expel the Ubii altogether from their territory, yet succeeded in rendering them tributary[1]; while in Thuringia, the Franks and their Saxon allies seized all the land, slaying, expelling or completely reducing the indigenous inhabitants to slavery. Another and curious instance may be cited from a comparatively late period, when the little island of Man was invaded, conquered and colonized by the Norwegian Godred. "Godredus sequenti die optionem exercitui suo dedit, ut si mallent, Manniam inter se dividere et in ea habitare, vel cunctam substantiam terrae accipere et ad propria remeare. Hiis autem magis placuit totam insulam vastare, et de bonis illius ditari, et sic ad propria reverti. Godredus autem paucis qui secum remanserunt de insulanis, australem partem insulae, et reliquiis Mannensium aquilonarem tali pacto concessit, ut nemo eorum aliquando auderet iure haereditario sibi aliquam partem terrae usurpare. Unde accidit ut usque in hodiernum diem tota insula solius regis sit, et omnes redditus eius ad ipsum pertineant[2]." The not being able to dispose of property hereditarily is the true badge and proof of slavery.

[1] Caesar, Bell. Gall. iv. 3. The Franks imposed a tribute of hides upon the Frisians: we hear also of tribute paid them by the Thuringians, Saxons and Slavic races.

[2] Chron. Manniae. MS. Cott. Jul. A. VII. fol. 32.

Tacitus draws the great distinction between the different degrees of servitude among the Germans. He tells us that the unsuccessful gambler who had staked and lost his liberty and the free disposal of his own body upon one fatal cast of the dice, would voluntarily submit to be bound and sold[1]; but that it was not usual for them to reduce their other serfs to the condition of menials; they only demanded from them a certain amount of produce (or, unquestionably, of labour in the field or pasture), and then left them the enjoyment of their own dwellings and property[2]. The general duties of the house, beyond such supplies, which were provided for among the Romans by the *ministeria per familiam descripta*, were left among the Germans to the wife and children of the householder[3]. It will be desirable to follow a somewhat similar distinction in

[1] "Servos conditionis huius per commercia tradunt, ut se quoque pudore victoriae exsolvant." Germ. xxiv. The last member of the sentence is a bit of imaginative morality which we shall acquit the Germans of altogether. The very word *caeteris* in the next sentence shows clearly enough that if they did sell some slaves *conditionis huius*, they kept others for menial functions.

[2] "Caeteris servis, non in nostrum morem descriptis per familiam ministeriis, utuntur. Suam quisque sedem, suos penates regit. Frumenti modum dominus, aut pecoris, aut vestis, ut colono, iniungit; et servus hactenus paret," Germ. xxv. This amounts to no more than the description of a certain class of our own copyholders, of the Slavonic holder in Bohemia or Galicia, and the peasant on a *noble session* in Hungary.

[3] This is the obvious meaning of the passage, which has however been disputed, in defiance of sense and Latin: see Walther's edition, vol. iv. 58. The general rule in the text is true, but where there were slaves they were used in the house, under the superintendence of the family. This of course applies more strongly to later historical periods, when the slaves (domestics) had become much more numerous, and the ladies much less domestic.

treating of the different kinds of slaves; and having shown that one class of the unfree are those who have been partially dispossessed by conquest, but retain their personal freedom in some degree, to proceed to those who are personally unfree, the mere chattels of a lord who can dispose of them at his pleasure, even to the extent of sale, mutilation and death. The class we have hitherto been observing is that intended by the term Læt in Anglo-saxon, Litus, Lito, Lazzo, etc. in German monuments[1], and the Laeti of the Romans, applied by them to the auxiliary Germans settled on imperial land, and bound to pay tribute and perform military service. They formed, as Grimm has well observed, a sort of middle class among the unfree; comprising the great majority of those who, without being absolutely their own masters, were yet placed somewhat above the lowest and most abject condition of man, which we call slavery. This condition among our forefathers was termed þeówet; the *servus* was þeów, the *ancilla* þeówen; or, as the original serfs of the English were the vanquished Britons, Wealh and Wyln.

Without confining ourselves to the definition in the law of Henry the First, we may distribute the different kinds of slaves into classes, according to the different grounds of slavery[2]. Thus they are

[1] Deut. Rechtsalt. p. 305.

[2] "Servi alii natura, alii facto, et alii empcione, et alii redempcione, alii sua vel alterius dacione servi, et si quae sunt aliae species huiusmodi; quas tamen omnes volumus sub uno servitutis membro constitui, quem casum ponimus appellari, ut ita dictum sit, servi alii casu, alii genitura." Ll. Hen. I. lxxvi. § 3.

serfs *casu* or *natura*, and the serfs *casu* comprise serfs by the fortune of war, by marriage, by settlement, by voluntary surrender, by crime, by superior legal power, and by illegal power or injustice. The remaining class are serfs *natura*, or by birth.

The serfs by fortune of war were those who were not left under the public law to enjoy a portion of their ancient freedom and possessions, but were actually reduced to a state of prædial or menial servitude by their captors, and either reserved for household drudgery or sold, at their arbitrary will. The Cassandra and Andromache of Grecian story stand here side by side with our own German Gudrún. This part of the subject has received sufficient illustration from the tale of the thane Imma, already quoted from Beda.

The serf by marriage was the free man or free woman who contracted that bond with a slave: in this case the free party sank to the condition of the unfree, among some at least of the German races. The Salic law is explicit upon this point both with respect to man and woman[1]: among the Ripuarian Franks it was enacted thus[2]: "If a free Ripuarian woman hath followed a Ripuarian serf, let the king or the count offer unto her a sword and a spindle: if she accept the sword, let her therewith slay the serf; if the spindle, let her abide with him in ser-

[1] "Si quis ingenuus ancillam alienam sibi in coniugium sociaverit, ipse cum ea in servitutem inclinetur." Lex Sal. xiv. 11. "Si ingenua femina aliquemcunque de illis (i. e. raptoribus non ingenuis) sua voluntate secuta fuerit, ingenuitatem suam perdat." Lex Sal. xiv. 7.

[2] Lex Rip. lviii. 18.

vitude." In this case the Burgundian law[1] commanded both parties to be slain; but if the relatives of the woman would not put her to death, she became a serf of the king. Saxo Grammaticus cites a similar law for Denmark[2]. There is no evidence of the Anglosaxon practice in this respect, but it appears unlikely that the case should be of common occurrence. Probably purchase and emancipation always preceded such marriages, and the law of Henry the First makes no mention of this among the grounds of slavery[3].

The serf by settlement is he who has taken up his abode in a district exclusively inhabited by the unfree; and to this refers the German expression "Die luft macht eigen," i. e. the air makes the serf. There is no distinct Anglosaxon provision on the subject, but perhaps we may include in this class some at least of those who taking refuge on a lord's land, and among his sócmen, without any absolute and formal surrender of their freedom, did actually become his serfs and liable to the services due to him from all their neighbours[4]. The generality

[1] Lex Burg. xxxv. 2, 3.

[2] Hist. Dan. lib. v. p. 85.

[3] The following proverbs are founded upon this legal custom:—

"Trittst du meine henne, so wirst du mein hahn."

"Die unfreie hand zieht die freie nach sich."

"En formariage le pire emporte le bon."

[4] Such may also have been malefactors, who sought an asylum in church or other privileged lands, and who sometimes formed a very considerable number of dependants or retainers: thus, "Contraxit universam iuventutem Honlandiae [Holland in Lincolnshire] strenuissimus comes Algarus,—unà cum cohorte Croylandiae monasterii, videlicet CC bellatoribus robustissimis, eo quod maxima pars illorum de fugitivis fuerat." Hist. Ingulf. p. 865.

however of such cases fall under the next following head, viz.—

The serfs by surrender, the *sua datione servus* of Henry's law, the *servus deditítius*, and giafþræl of the Norse law. Among these Grimm numbers the serfs whose voluntary submission so much surprised the Roman philosopher. Even the law of the Germans, so generally favourable to liberty, contemplates and provides for the case of such a voluntary servitude[1]. This might arise in various ways. For example, a time of severe scarcity, such as are only too often recorded in our ancient annals, unquestionably drove even the free to the cruel alternative of either starvation or servitude: "Subdebant se pauperes servitio, ut quantulumcunque de alimento porrigerent," says Gregory of Tours[2]; Gildas tells us a similar tale of the Britons[3]; and even as late as the Norman conquest we find Geatflæd, a lady, directing by her will the manumission of all those who had bent their heads in the evil days for food[4].

[1] "Si liber homo spontanea voluntate vel forte necessitate coactus, nobili, seu libero, seu etiam lito, in personam et in servitium liti se subdiderit." Lex Fres. xi. 1. "Ut nullum liberum liceat inservire.... quamvis pauper sit, tamen libertatem suam non perdat nec hereditatem suam, nisi ex spontanea voluntate se alicui tradere voluerit, hoc potestatem habeat faciendi." Lex Bajuv. vi. 3. The Anglosaxon law gave this power of voluntary surrender to a boy of thirteen. See Theod. Poenit. xxix. Thorpe, ii. 19.

[2] Gregor. Turon. vii. 45.

[3] "Interea fames dira ac famosissima vagis ac nutabundis haeret, quae multos eorum cruentis compellit praedonibus sine dilatione victas dare manus, ut pauxillum ad refocillandam animam cibi caperent." Hist. Brit. cap. xvii.

[4] "Ealle ða men ðe heónon heora heáfod for hyra mete on ðám yflum dagum." Cod. Dip. No. 925. The instance is, I believe, a solitary one in our records, but the cases must have been numerous.

Another was no doubt, debt, incurred either through poverty or crime; and when the days of fierce and cruel warfare had passed away, this must have been the most fertile source of servitude. I have not found among the Anglosaxon remains any example of slavery voluntarily incurred by the insolvent debtor, but the whole course of analogy is in favour of its existence, and Marculf supplies us with the formulary by which, among the Franks, the debtor surrendered his freedom to the creditor. It may be presumed that this servitude had a term, and that a certain period of servile labour was considered equivalent to the debt. The case of crime was undoubtedly a very common one, especially as those whose necessities were the most likely to bring them in collision with the law were those also who were least able to fulfil its requirements, by payment of the fines attached to their offences. The criminal whose own means were insufficient, and whose relatives or lord would not assist him to make up the legal fine he had incurred, was either compelled to surrender himself to the plaintiff, or to some third party who paid the sum for him, by agreement with the aggrieved party. This was technically called þingian[1], and such a serf was

[1] "And eác heó hafaþ gefreód ða men ða heó þingede æt Cwæspatrike;" And she hath also freed the men whom she interceded for with Cospatrick. Cod. Dip. No. 925. Marculf gives the Frankish formulary, as follows; it is the case of one who has been redeemed from capital punishment: "Et ego de rebus meis, unde vestra beneficia rependere debuissem, non habeo; ideo pro hoc statum ingenuitatis meae vobis visus sum obnoxiasse, ita ut ab hac die de vestro servitio penitus non discedam." Form. Marculf. ii. 28.

called a wítepeów, convict, or criminal slave. These are the *servi redemptione* of Henry the First.

Serfs by force or power are not those comprised in the first class of these divisions, or serfs by the fortune of war: these of course have lost their freedom through superior force. But the class under consideration are such as have been reduced to servitude by the legal act of those who had a right to dispose of them; as, for instance, a son or daughter by the act of the father[1]. It is painful to record a fact so abhorrent to our Christian feelings, but there cannot be the least doubt that this right was both admitted and acted upon. The father, upon whose will it literally depended whether his child should live or not, had a right at a subsequent period to decide whether the lot of that child should be freedom or bondage[2]. Illegitimate children, the offspring of illicit intercourse with his wyln or þeówen, may have formed the majority of those thus disposed of by a father: but in times of scarcity, it is to be feared that even the issue of legitimate

[1] The wife, by the act of the husband, I think very doubtful, in point of right. In point of fact this case may have occurred much more frequently than our records vouch.

[2] The illegitimate offspring of his own wife, a husband was not likely to spare. An old German tale records this fact. Her lord returning from a long absence and finding a child which could not be his own in the house, was told by the faithless mother, that when walking in the fields a flake of snow had fallen into her bosom and impregnated her. Afterwards the husband took the child to Italy and sold him there, excusing himself to the mother by the assertion that the heat of the sun had melted the snow-child.

"De nive conceptum quem mater adultera finxit;
Hunc dominus vendens liquefactum sole retulit."

marriage was not always spared[1]. The Frisians, when oppressed by the amount of Roman tribute, sold their wives and children: "Ac primo boves ipsos, mox agros, postremo corpora coniugum aut liberorum servitio tradebant[2]:" this is however an exceptional case, and the sale of wives and children appears only to have been resorted to as a last resource. But the very restriction to the exercise of this right, within particular limits of time—which we may believe the merciful intervention of the church to have brought about—speaks only too plainly for its existence in England. Even as late as the end of the seventh century, and after Christianity had been established for nearly one hundred years in this country, we find the following very distinct and clear recognitions of the right, in books of discipline compiled by two several archbishops for the guidance of their respective clergy. In the Poenitential of Theodor, archbishop of Canterbury, occurs this passage: "Pater filium suum septem annorum, necessitate compulsus, potestatem habet tradere in servitium; deinde, sine voluntate filii, licentiam tradendi non habet[3]." In the somewhat

[1] Lingard (A. S. Church, i. 45) accuses the pagan Saxons of selling their children into foreign slavery. I am not sure that this is not asserted too strongly by this estimable author, who appears unjustly to depreciate the Saxons, in order to enhance the merit of their convertors. I admit the probability of the fact, only because the right is a direct corollary from the paternal power, and because Archbishops Theodor and Ecgberht (the first a Roman missionary) recognize it; but I cannot suppose its exercise to have been common.

[2] Tac. Annal. iv. 72.

[3] Theodori, Arch. Cant. Liber Poenitentialis, xxviii. Thorpe, A. S. Laws, ii. 19.

later Confessionale of Ecgberht, archbishop of York, we find: "Pater potest filium suum, magna necessitate compulsus, in servitutem tradere, usque ad septimum annum; deinde, sine voluntate filii, eum tradere non potest[1]." It is however very remarkable that in the Poenitential of the same Ecgberht the sale of a child or near relative is put down as an offence punishable by excommunication[2]. These are the *servi alterius datione* of Henry the First.

The next head includes the serfs by reason of crime. The distinction between these and the class of criminals who became slaves through compact or redemption, is that in their case servitude was the direct punishment of their offence, and not merely an indirect and mediate consequence. It seems to me at least that this sense strictly lies at the foundation of two laws of Eádweard, Ælfred's son; of these the former says[3], "If any one through conviction of theft forfeit his freedom, and deliver himself up, and his kindred forsake him, and he

[1] Confessionale Ecgberhti, Arch. Ebor. xxvii. Thorpe, ii. 153.

[2] The only way of getting rid of this strange contradiction is, either to assume the passage to be a later interpolation, which there is no ground for, save the contradiction itself; or to take the passage in connection with Theodor. Poen. xlii. § 3, 4, 5, which refer to sale of a Christian among Jews or Heathens, and generally to fraudulent or illegal sale. But then, one cannot understand why the words "infantem suum proprium, vel proximum suum cognatum" should have been introduced by Ecgberht, though omitted by Theodor. Perhaps we may reconcile the passages, by assuming Ecgberht to refer to an illegal sale, viz. when the child was above seven years old, but still in the same category as those for whose safety Theodor provides by the same ecclesiastical penalty. The child or very near relation were precisely those who were most liable to be in "alteram regionem seducti, furati," etc.

[3] Ll. Eádw. § 9.

know not who shall make bót for him; let him then be worthy of the þeówwork which thereunto appertaineth; and let the wer abate from the kindred." Again, "If a freeman work upon a festival day, let him lose his freedom, or pay the wíte or lahslite[1]." This alternative is an alleviation of the strict law: but as forfeiture undoubtedly followed upon theft and other offences, the thief could not expect to make bót for himself, and was always exposed to the danger of incurring slavery, should another make it for him. It is however possible that his relations may have interfered to save him, without the reducing him to a *servus deditítius*; or even if he were so reduced, he became the serf of him that engaged (þingode) for him; whereas, if not rescued at all, he must have been a fiscal serf, in the hands of the crown or the geréfa, its officer. There exists therefore a perceptible difference between the wíteþeów whom the law made so, (even though it permitted a merciful alternative,) and the wíteþeów whose punishment would have been a mulct which exceeded his means. The law of other German tribes numbers slavery among its punishments without any reservation at all: thus among the Visigoths, he that assisted in the escape of a serf, and neither restored him nor his worth to the owner, was to become a slave in his place[2]. By the Bavarian law, he that could not pay a wergyld due from him, was to be enslaved together with his wife and children[3]. Grimm[4] cites the following case:

[1] Eád. and Guð. § 7.
[2] Ll. Visig. ix. § 1, 2.
[3] Ll. Bajuv. i. § 11.
[4] D. Rechtsalt. p. 329.

"Richilda, quae libertatem suam fornicando polluit, amisit.... filiae illorum liberae permaneant, ... nisi forte adulterio vel fornicatione polluantur." It is true that the Anglosaxon laws do not give us any enactment of a corresponding nature: nevertheless I entertain no doubt that fornication was a ground of slavery in the case both of man and woman. Toward the end of the ninth century, Denewulf, bishop of Winchester, leased the lands of Alresford to a relative of his own, on condition of a yearly rent: "Is equidem insipiens, adulterans, stuprum, propriam religiose pactatam abominans, scortum diligens, libidinose commisit. Quo reatu, omni substantia peculiali recte privatus est, et praefatum rus ab eo abstractum rex huius patriae suae ditioni avidus devenire iniuste optavit[1]." However unjust the canons of Winchester might think it, it is clear that the Witena-gemót did not; for the bishop was obliged to pay 120 mancusses in gold to the king, to have back his own land. Again in the year 1002, we hear of a lady forfeiting her lands to the king, by reason of fornication[2]. The consequences of this destitution can hardly have been other than servitude; and it may be at once admitted that where there were no lands to forfeit, servitude was the recognized punishment of the offence. Theodor[3] when apportioning the penance due to it, says, "Si intra viginti annos puella et adolescens peccaverint, i annum, et in secundo iii quadragesimas ac legitimas ferias. Si propter hoc peccatum

[1] Cod. Dip. No. 601.
[2] Ibid. No. 1296.
[3] Lib. Poenit. xvi. § 3. Thorpe, ii. 9.

servitio humano addicti sunt, iii quadragesimas." Again, "Maritus si ipse seipsum in furto aut fornicatione servum facit, vel quocunque peccato[1]," etc.

The last division of the *servi casu* comprises those who have been reduced to slavery by violence or fraud, in short illegally. Illegitimate children, poor relations, unfriended strangers, young persons without power of self-defence, may thus have been seduced or forced into a servile condition of life, escape from which was always difficult, inasmuch as there is necessarily a *prima facie* case against the serf, and he can have no standing in the court composed only of the free. To this head seem referable the passages I have already alluded to in Theodor's Poenitential[2], and which I will now cite at length: "Si quis Christianus alterum Christianum suaserit, ac in alteram regionem seduxerit, ibique eum vendiderit pro proprio servo, ille non est dignus inter Christianos requiem habere, donec redimat eum et reducat ad proprium locum." And again: "Si quis Christianus alterum Christianum vagantem reppererit, eumque furatus fuerit ac vendiderit, non debet habere inter Christianos requiem, donec redimat eum, et pro illo furto septem annos poeniteat[3]."

The other great division includes all the *servi natura*, *nativi*, or serfs by reason of unfree birth; and as these are necessarily the children either of parents who are both unfree, or (under particular circumstances) of one unfree parent, it follows that

[1] Thorpe, ii. 9, note 4.
[2] *Supra*, p. 200, note 2.
[3] Lib. Poenitent. Theod. xlii. § 4. 5. See also xxiii. § 13.

their hereditary condition may arise from any one of the conditions heretofore under examination. All the legitimate children of two serfs are themselves irrevocably serfs[1]: but some distinctions arise where the parents are of unequal condition; as where the mother is free, the father unfree, and *vice versa*. In this respect the law was very different among the different tribes: the Swedish law declared in favour of liberty[2], the German generally the other way[3]. The Sachsenspiegel decides that the children follow the father's right[4], and similarly the law of Henry the First[5] has, "Si quis de servo patre natus sit et matre libera, pro servo reddatur occisus;" and again, "Si pater sit liber et mater ancilla, pro libero reddatur occisus;" on the general principle that "semper a patre non a matre generacionis ordo texitur," which Fortescue confirms, saying[6], "Lex Angliae nunquam matris, sed semper patris conditionem imitari partum iudicat, ut ex libera etiam ex nativa non nisi liberum liber generet, et non nisi servum in matrimonio procreare potest servus." Fleta's argument rests upon the same doctrine[7]. Glanville however appears to adopt the contrary view[8], which agrees with the maxim

[1] Theod. Poen. xvi. § 33. Ecgb. Poen. xxv.
[2] Deut. Rechtsalt. p. 324.
[3] Ibid. p. 324.
[4] Sachs. iii. 73.
[5] Ll. Hen. I. lxxvii. § 1, 2.
[6] Commend. cap. xlii.
[7] Lib. i. cap. 3. § 2.
[8] "Sunt autem nativi a prima nativitate sua; quemadmodum si quis fuerit procreatus ex nativo et nativa, ille quidem nativus nascitur. *Idem est si ex patre libero et matre nativa.* Sed si ex matre libera et patre nativo, idem est dicendum quantum ad status integritatem." Lib. v. cap. 6. But the passage in italic is wanting in some manuscripts, and may possibly have been the gloss or addition of a civilian.

of the civil law, "Partus sequitur ventrem." To the English principle I am bound to give my adhesion, inasmuch as the natural and the original social law can recognize none but the father, either in the generation, or in the subsequent rule, of the family: whatever alleviation the practices of chivalry, the worship of the Virgin mother, and the Christian doctrine of the equality of man and woman before God, may have introduced, the original feeling is on the father's side, and the foundations of our law are based upon the all-sufficiency of his right. A woman is in the mund or keeping of a man; society exists for men only, that is, for women merely as far as they are represented by a man.

That this original right was interfered with by the law of property is not denied. But here different cases are to be considered. First, whether the serf or *nativa* is the property of the party who unites with him or her. Secondly whether the free party unite with some other owner's serf or neif; next, whether the issue are born in wedlock or not; and lastly how far the public law and right is involved in the question of freedom and servitude. The last consideration in fact involves the first, because, under the first, except in the case of hardly intelligible neglect, marriage could never take place between two unequal parties at all: emancipation must have preceded the ceremony; while the civil law would of course rule that the ceremony itself, taking place by consent, was an act of emancipation not to be gainsaid. It is therefore with regard

to third parties only that a question can arise[1]. There is no proof that such a question ever did arise among the Anglosaxons, or that it was thought needful to provide for it by law: and the earlier evidences with which this book has especially to do are either entirely silent, or so general in their expressions that we cannot decide from them upon a particular case. In fact the whole argument is reduced to the second head, viz. where one parent is the property of a third party, and where the child is born in lawful wedlock; for a child not so born is not subject to any law which binds the parents, is *nullius filius*, and can as little be injured as advantaged by the law.

In the strict Anglosaxon law there is no definite decision on these points: the codes of other German races, at the oldest period, are equally silent. In later times indeed we have determinations; but these, as we have observed, are contradictory. Perhaps we may take the doctrine of the Sachsenspiegel, coinciding as it does with the opinion of many, probably a majority, of our own law-sages, as the original one, especially as it is the only one in accordance with other details of family life, and with the supreme law of nature itself which leaves

[1] Of course (except under circumstances which the Christian clergy, and probably even the heathen priesthood,—and if neither of these, yet the universal human feeling—would condemn,) the issue of such marriage could not have been treated as unfree, during the life of the father. But a question might arise after death, and on subsequent inheritance by third parties. And cases might occur where the public right rendered it necessary to take care that the unfree should not enjoy the advantages of freedom.

to the father the decision as to the life or death of the child, as to its liberty or slavery. In this sense then I agree with Sir John Fortescue and Sir Edward Coke[1]. It is to be remembered that we are dealing now with the condition of the offspring, not of the parent: the uncertainty that prevails with respect to the latter, in the Anglosaxon law, and the contradictory enactments of other German codes have been already noticed.

But all that has been said applies solely to the case of children born in lawful wedlock; and almost all the apparent contradictions which have been noticed in our own law, arise from a want of clear distinction on this point. The child of a free father and unfree mother, if the parents were not married, remained to the lord of the neif, according to our expressive proverb, "Mine is the calf that is born of my cow[2]." In Fleta's words[3] the distinction is drawn most clearly, and they may therefore stand here in place of my own: "Servi autem aut nascuntur aut fiunt; nascuntur quidem ex nativo et nativa solutis vel copulatis, et eius erit servus in cuius potestate nasci contigerit[4]; dum tamen de soluta nativa, domini loci, quia sequitur conditionem matris, a quocunque fuerit genitus, libero vel nativo[5]. Si autem copulati fuerint et

[1] Co. Litt. § 187, 188.

[2] Take an instance, though with a wider application, from Shakspeare, King John, act i. sc. 2.

[3] Lib. i. cap. 3. § 2.

[4] That is, if the serfs of two different lords, then the child to follow the mother.

[5] In the event of there being no marriage. The case of a marriage is very different, and provided for in the next sentence.

genitus fuerit partus a libero, licet a nativa, partus erit liber; et si de servo et libera in matrimonio, servus erit." Thus, here again the offspring follows the father, as soon as there is a marriage to determine that there is an offspring at all, in law; but if there be no marriage, the chattel thrown into the world, like any other waif or stray belongs *domino loci*; it has a value, can be worked or sold; it is treasure-trove of a sort, and as it belongs to nobody else, falls to the lord, as a compensation probably for the loss of his neif's services during pregnancy and the nonage of the child[1].

Whatever the origin of serfage may have been, it can hardly be questioned that the lot of the serf was a hard one; and this perhaps not so much from the amount of labour required of him, as from the total irresponsibility of the master, in the eye of the law, as to all dealings between himself and his þeów. The Christian clergy indeed did all they could to mitigate its hardships, but when has even Christianity itself been triumphant over the selfishness and the passions of the mass of men? The early pagan Germans, though in general they treated their serfs well, yet sometimes slew them, under the influence of unbridled passion: "Verberare servum ac vinculis et opere coercere rarum. Occidere solent, non disciplina et severitate, sed

[1] Mr. Allen in his valuable notes upon the law of Henry the First (published by Thorpe in his Anglosaxon Laws, i. 609–631) has some remarks upon the whole subject, as considered by our Norman jurists. His conclusions coincide generally with mine, and he says (p. 628), "The Mirror makes the marriage of the parents an essential condition to the liberty of the offspring," etc.

impetu et ira, ut inimicum, nisi quod impune est[1]." The church affixed a special penance to the manslaughter of a woman by her mistress, *impetu et ira*,—an event which probably was not unusual, considering the power of a lord over his þeówen or female slave,—and generally, a penance for the slaughter of a serf by his lord without judicial authority[2].

In contemplation of law, in fact, the slave is the absolute property of his lord, a chattel to be disposed of at the lord's pleasure, and having a value only for the benefit of the lord, or of some public authority in his place. The serf cannot represent himself or others: his interests must be guarded by others, for he himself has no standing in any public court. He is not in any friðborh, or association for mutual guarantee, for he has nothing of his own to defend, and no power to defend what another has. If he be slain by a stranger, his lord claims the damages, and not his children: if the lord himself slay him, it is but the loss of so much value,—a horse, an ox, gone—more or less. Out of his

[1] Tac. Germ. xxv.

[2] "Si faemina, furore zeli accensa, flagellis verberaverit ancillam suam, ita ut infra diem tertium animam cruciatu effundat, et quod incertum sit, voluntate an casu occiderit; si voluntate, vii annos; si casu, per quinquennii tempora, ac legitima poenitentia, a communione placuit abstinere." Poen. Theod. xxi. § 13. "Si quis servum proprium, sine conscientia iudicis, occiderit, excommunicatione vel poenitentia biennii reatum sanguinis emundabit." Ibid. § 12. Even as late as the seventeenth century in France, it appears that it was usual to flog the valets, pages and maids, in noble houses. Tallemant des Réaux mentions a riot which arose in Paris from a woman's being whipped to death by her mistress, in August 1651. See his Historiettes, viii. 80; x. 255, etc.

death no feud can arise, for the relatives who allowed him to fall into, or remain in slavery, have renounced the family bond, and forfeited both the wergyld and the mund. If he be guilty of wrong, he cannot make compensation in money or in chattels; for he can have no property of his own save his skin: thus his skin must pay for him[1], and the lash be his bitter portion. He cannot defend himself by his own oath or the oaths of friends and compurgators, but, if accused, must submit to the severe, uncertain and perilous test of the ordeal. And if, when thus hunted down, he be found guilty, severe and ignominious punishment,—amounting in a case of theft, to death by flogging for men, by burning, for women,—is reserved for him[2]. Naturally and originally there can be no limitation in the amount or the character of labour imposed upon him, and no stipulation for reciprocal advantage in the form of protection, food or shelter. Among the Saxons the wíteþeów at least appears to have been bound to the soil, *adscriptus glebae*[3], conveyed with it under the comprehensive phrase "mid mete and mid mannum:" though in some few cases we can trace a power, vested perhaps only in certain public authorities, of transferring the slave from one estate to another[4]. Last, but most fearful of all,

[1] The compensation for a flogging was called hídgeld.

[2] Ll. Æðelst. iii. § 6. Thorpe, i. 219.

[3] Cod. Dipl. Nos. 311, 1079.

[4] Ibid. No. 311. The serfs mentioned in this document were at first attached to the royal vill of Bensington; but were now transferred to the land of the church at Radnor, with their offspring, and their posterity for ever.

the taint of blood descended to his offspring, and the innocent progeny, to the remotest generations, were born to the same miserable fate as bowed down the guilty or unfortunate parent.

But yet there was a gleam of hope: one solitary ray that made even the surrounding darkness tolerable, and may have cheered the broken-hearted serf through years of unrequited toil and suffering. The law that reduced him to slavery made it also possible that he should be restored to freedom. It did not shut from him this blessing, however distant it might seem. Tacitus knew of *liberti* among the Germans, men who had been slaves, had been manumitted, and were free[1]. Thus in yet pagan times, general kindliness of disposition, habits of domestic intercourse, perhaps the suggestions of self-interest, may have tended to raise the condition of the serf even to the restoration of freedom: but it was the especial honour and glory of Christianity, that while it broke the spiritual bonds of sin, it ever actively laboured to relieve the heavy burthen of social servitude. We are distinctly told that Bishop Wilfriδ, on receiving the grant of Selsey from Caedwealha of Wessex, immediately manumitted two hundred and fifty unfortunates, whom he found there attached to the soil,—that those, whom by baptism he had rescued from servitude to devils, might by the grant of liberty be rescued from servitude to man[2]. In this spirit of charity, the clergy obtained respite from labour for the þeów on the

[1] Tac. Germ. xxv.

[2] Bed. H. E. iv. 13.

Sabbath, on certain high festivals and on the days which preceded or followed them[1]; the lord who compelled his þeów to labour between the sunset on Saturday and the sunset on Sunday, forfeited him altogether[2]; probably at first to the king or the geréfa; but in the time of Cnut the serf thus forfeited was to become *folkfree*[3]. To their merciful intervention it must also be ascribed that the will of a Saxon proprietor, laic as well as clerical, so constantly directs the manumission of a number of serfs, for the soul's heal of the testator[4]; Ælfred even goes so far as to give free power to the serf of bequeathing to whomsoever he pleases, whatever may have been given him for God's sake, or he may have earned in his own moments of leisure[5]; and this provision, which probably implies a prohibition to the lord of removing his labourer arbitrarily from a plot of ground well cultivated by his own efforts, tends to secure to the unfortunate serf some interest in the produce of his industry: the Hungarian will recognize in it the spirit of Maria Theresia's *Urbarium*. It is moreover obvious from many surviving documents, that, in the later periods, the serf could purchase his own release[6],

[1] Ll. Wihtr. § 9, 10. Ini, § 3. Edw. Guð. § 7. Æðelr. viii. § 2.

[2] Ll. Ini, § 3.

[3] Cnut, Ll. Sec. § 45.

[4] Cod. Dipl. Nos. 716, 721, 722, 782, 788, 919, 925, 931, 946, 947, 957, 959, 981.

[5] Ll. Ælf. § 43. Æðelred (viii. § 2) permits the serf to labour on his own account, three days before Michaelmas. Theodor (Poen. xix. § 30) and Ecgberht (Poen. Addit. § 35) forbid the lord to rob his serf of what he may have acquired by his own industry. It was nevertheless held by some that the serf could not purchase his own freedom.

[6] This is true only of the Saxon, not of the Norman period. Glan-

at least with the lord's consent[1], or be bought by another for the purpose of manumission[2], or even be borrowed on pledge for a term of years[3], during which his labour might be actively employed in laying up the means of future freedom. It cannot indeed be denied that the slave might be sold like any other chattel, and that even as late as Æðelred and Cnut, the law ventured to prohibit no more than the selling him into heathendom, or without some fault on his part[4]: nor can we believe that acts of the grossest oppression and tyranny were unfrequent. But from what has been already cited, it must be evident that there was a constantly growing tendency in favour of freedom, that the clergy suggested every motive, and the law made every possible effort, at least to diminish the more grievous circumstances of servitude. It is moreover to be borne in mind that a very large proportion of the þeówas at any given time, were in reality criminal serfs, convicts expiating their offences by their sufferings. Taking all the circumstances into consideration, I am disposed to think that the mere material condition of the unfree population was not necessarily or generally one of great hardship. It

ville expressly denies that the serf could redeem himself. "Illud tamen notandum est, quod non potest aliquis, in villenagio positus, libertatem suam propriis denariis suis quaerere. Posset enim tunc a domino suo secundum ius et consuetudinem regni ad villenagium revocari; *quia omnia catalla cuiuslibet nativi intelliguntur esse in potestate domini sui*, [per] quod propriis denariis suis versus dominum suum a villenagio se rẽdimere non poterit." Glanv. lib. v. cap. 5.

[1] Cod. Dipl. Nos. 933, 934, 935, 936, 981 (the 31st paragraph).

[2] Ibid. No. 981 (the 28th paragraph). [3] Ibid. No. 975.

[4] Ll. Æðelr. v. § 2; vi. § 9. Cnut, Ll. Sec. § 3.

seems doubtful whether the labour of the serf was practically more severe, or the remuneration much less than that of an agricultural labourer in this country at this day: his lord was bound to feed him for his own sake, and if, when old and worn out, he wished to rid himself of a useless burthen, he could by an act of emancipation hand over his broken-down labourer to the care of a Church which, with all its faults, never totally lost sight of the divine precepts of charity[1]. We are not altogether without the means of judging as to the condition of the serf, and the provision made for him; although the instances which we may cite are not all either of one period, or one country, or indeed derived from compilations having the authority of law, they show sufficiently what opinion was entertained on this subject by some among the ruling class. In the prose version of Salomon and Saturn[2], it is said that every serf ought to receive yearly seven hundred and thirty loaves, that is, two loaves a day, beside morning meals and noon meals; this cannot be said to be a very niggardly portion. Again, the valuable document entituled, "Rectitudines singularum personarum[3]," gives details respecting

[1] The Romans used to slay their infirm and useless serfs, or expose them in an island of the Tiber. Claudius made several regulations in their favour. "Cum quidam aegra et affecta mancipia in insulam Aesculapii taedio medendi exponerent, omnes qui exponerentur, liberos esse sanxit, nec redire in ditionem domini, si convaluissent; quod si quis necare mallet quem quam exponere, caedis crimine teneri." Suet. in Claud. 25.

[2] See *supra*, p. 38, note 1.

[3] Thorpe, A. S. Laws, i. 432, and a later edition by Dr. H. Leo of Halle, 1842.

the allowances made to the serfs in various prædial or domestic capacities, which would induce a belief not only that they were tolerably provided for, but even enabled by the exertion of skill and industry to lay up funds of their own towards the purchase of their freedom, the redemption of their children, or the alleviation of their own poverty. From the same authority and others, we may conclude that on an estate in general, serfs discharged the functions of ploughman, shepherd, goatherd, swineherd, oxherd and cowherd, barn-man, sower, hayward, woodward, dairymaid, and beadle or messenger; while the geneát, cotsetla, gebúr, beócere and gafolswán were probably poor freemen from whom a certain portion of labour could be demanded in consideration of their holdings[1], or a certain rent (gafol) reserved out of the produce of the hives, flocks or herds committed to their care: and these formed the class of the *Læt* and *Esne*, poor mercenaries, serving for hire or for their land, but not yet reduced so low in the scale as the þeów or wealh. It is not only probable that there would be distinctions in the condition of various serfs upon the same estate, but even demonstrable: it can hardly be doubted that men placed in situations of some trust, as the ploughman, oxherd or beadle, were in a somewhat higher class, and of better condition, than the mere hewers of wood and drawers

[1] This is the *Robot* of Slavonic countries, the *Operatio* of our Norman law; a mere labour-rent, necessary in countries where there is no accumulated capital, and wealth (for want of markets) consists only in land, and limbs wherewith to till it.

of water. Now in a charter of the year 902, we find an interesting statement, which I must take leave to cite[1]: Denewulf bishop of Winchester and his Chapter had leased land at Eblesburne to Beornwulf, a relative of the bishop: the Chapter sent word to Beornwulf that the men, that is the serfs, were to remain attached to the land—"ðæt ða men móston on ðam lande wunian"—whether he, or any other, held it: "ðonne wæron ðær þreo wíteþeówe men búrbærde, ⁊ þreo þeówbærde, ða me salde bisceop ⁊ ða hiwan tó rihtre æhte ⁊ hira teám:" "Now there were three convicts búrbærde and three þeówbærde, whom the bishop and the brethren gave me, together with their offspring." The expressions used in this passage seem to show that some of the wíteþeówe men upon this estate enjoyed a higher condition than others[2], being *cultivators* or *boors*, while the others were more strictly slaves. The very curious and instructive dialogue of Ælfríc numbers among the serfs the yrðling or ploughman, whose occupation the author nevertheless places at the head of all the crafts, with perhaps a partial exception in favour of the smith's[3].

Servitude ceased by voluntary or compulsory manumission on the part of the lord; the latter case being that where the services of the slave were forfeited through the misconduct of the master.

[1] Cod. Dip. No. 1079.

[2] The compounds of *bǽrde* cannot denote anything but a permanent condition or quality: they are nearly equivalent to the compounds of *cund*, excepting that they are necessarily *personal*.

[3] Thorpe, Analecta.

And as loss of liberty must be considered in the main as a consequence of the public law, understood in the general, and expressed in the particular case, so must it I think be asserted, that *at first* emancipation depended in some degree upon the popular will as well as the mercy or caprice of private individuals. It is no doubt true, that at a period when what we now call crimes were rather considered in the light of civil injuries, for which satisfaction was due to the parties injured, it might seem reasonable to leave the latter in possession of the power to assess the minimum, at least, of his own satisfaction: to allow him to decide how long a period of servitude he would content himself with, if he chose to renounce the right he possessed of claiming an endless one; or lastly, to reward good and faithful service by cancelling the consequences of an earlier wrong. But emancipation has two very different effects: it not only relieves the serf from personal burthens and disabilities, but it restores or introduces a citizen to political and public rights. In a state of society where landed possession and the exercise of such rights are inseparable, a grave difficulty arises, viz. how can provision be made for the newly emancipated, and now free man? If the community will consent, and possess the means, to create a new free Hide for his occupation, of course the matter can be managed; but this consent renders the emancipation in reality the act of the state, not of the manumittor. Or the lord on restoring freedom to his serf may endow him with a portion of his own

land, sufficient for easy or even wealthy subsistence; but this will not make him fully a free man, give him his full position in the πολίτευμα or polity, and place him on a level with the free inhabitants of the Mark.

Till periods very late in comparison with that which is assumed in the course of this argument, a similar principle prevails in our legislation upon this subject. Glanville says, "It is also to be observed that a man may enfranchise his serf in respect of the persons of himself or his heirs, but not in respect of others. For if any one, having once been a serf, and afterwards having attained to freedom in this manner, should be produced in court against a third party to support a cause, or for the purpose of making any law of the land, he may justly be removed therefrom, if his birth in villenage should be objected to and proved against him in the court, even though the serf so enfranchised should have come to be promoted unto a knight's degree[1]."

Later still, liberty seems considered as a privilege the value of which might be diminished by its extension; and Fleta gives as a reason why the lord is bound to pursue his fugitive serf, "lest by *negligence* of the lords, serfs should prevail to assert their own freedom[2]."

On consideration therefore of all the facts, we must conclude that where full and complete manumission was intended, the transaction could only be

[1] Lib. v. cap. 5.

[2] Lib. i. cap. 7, § 7, 8.

completed in the presence and with the co-operation of the community, whereby all claims besides those of the manumitting lord would be formally estopped for the future. And this would be nearly equivalent to the admission (rare indeed) of a metic or other stranger to the full rights of citizenship at Athens, which could hardly have effect without a *ψήφισμα* or deliberate vote of the whole people[1]. Accordingly even in the laws of William the Conqueror and Henry the First we find evidence that the completest publicity was given to formal manumissions[2]; and it is not unreasonable to believe that this refers back to a time when such publicity may have consisted in the presentation of the serf before the assembled folcmót, and their expressed or implied assent to the solemn act.

Practically however, it is probable that the dissolution of servitude did not absolutely confer all the privileges of freedom. The numerous acts of manumission directed by the wills of great land-

[1] The slaves who fought on the Athenian side at Arginusae were manumitted and enrolled among the Plataeans, being thus admitted into the *πολίτευμα*. We learn this from a fragment of Hellanicus, preserved in the Scholiast on Arist. Ran. 706: the words are, *τοὺς συνναυμαχήσαντας δούλους Ἑλλάνικός φησιν ἐλευθερῶθηναι, καὶ ἐγγραφέντας ὡς Πλαταιεῖς συμπολιτεύεσθαι αὐτοῖς*. See also Niebuhr (Hare and Thirlwall), p. 264. The Langobards upon a somewhat similar occasion manumitted their serfs. "Igitur Longobardi, ut bellatorum possent ampliare numerum, plures a se servili iugo ereptos, ad libertatis statum perducunt. Utque rata posset haberi libertas, sanciunt, more solito, per sagittam, immurmurantes nihilominus ob rei firmitatem, quaedam patria verba." Paul. Diac. de Gest. i. 13.

[2] "Si qui vero velit servum suum liberum facere, tradat eum vicecomiti," etc. Ll. Wil. iii. § 15. "Qui servum suum liberat, in aecclesia, vel mercato, vel comitatu, vel hundreto," etc. Ll. Hen. I. 1, § 78.

owners are totally inconsistent with the notion of any interference on the part of the assembled people, as necessary to their validity: the instances, it is true, are mostly of modern date, but still we hear of manumissions by wholesale at very early periods, where nothing but the lord's own will can possibly be thought of[1]. It seems therefore probable that a certain amount of dependence was reserved; that the freedman became relieved from the harsher provisions of his former condition, but remained in general under the protection and on the land of his former lord, perhaps receiving wages for services still rendered. In the eighth century Wihtraed of Kent enacted that even in the case of solemn manumission at the altar, the inheritance, the wergyld and the mund of the family should remain to the lord, whether the new freedman continued to reside within the Mark or not[2]. The mode of provision for the emancipated serf must, in a majority of cases, have led to this result. The lord endowed him out of his own land, either with a full possession, secured by charter, or a mere temporary, conditional loan, *læn*: the man therefore remained upon the lord's estate, and in his *borh* or surety, though no longer liable to servile disabilities[3].

[1] For example Wilfriš's, at Selsey; see above, p. 211.

[2] Ll. Wihtr. § 8.

[3] Wulfwaru in her will directs her legatees to feed twenty freolsmen or freedmen. Cod. Dipl. No. 694. Ketel commands that all the men whom he has freed shall have all that is *under their hand*,—probably all they had received as stock, or had been able to gain by their industry. Cod. Dipl. No. 1340.

The full ceremonies used in the solemn act of emancipation by the Anglosaxons are not known to us; but there is reason to suppose that they resembled those of other Teutonic nations. Generally these may be divided into civil and ecclesiastical; the former receiving their sanction from the authority of the people or the prince, the latter from the church and its peculiar influences. "He who would emancipate his serf shall deliver him to the sheriff, by the right hand, in full county, shall proclaim him free from all yoke of servitude by manumission, shall show him open roads and doors, and shall deliver unto him the arms of a free man, namely the lance and sword: thenceforth the man is free[1]." Such is the law of William the Conqueror, and it is repeated with little variation by Henry the First, except that there is no limitation to the sheriff and the county. But this was also one form of manumission among the Langobards. The person who was to be made *Fulfreal* was delivered over successively into the hands of four different persons: the last of these brought him before witnesses to a spot where four roads met, and his choice was given him of these roads. He was then free, and *ámund*, that is removed from under the protection of his former master[3]. But it

[1] Will. Conq. iii. § 15.

[2] "Qui servum suum liberat, in aecclesia, vel mercato, vel comitatu, vel hundreto, coram testibus et palam faciat, et liberas ei vias et portas conscribat apertas, et lanceam et gladium, vel quae liberorum arma sunt, in manibus ei ponat." Hen. I. lxxviii. § 1. Hence the manumitted serf is called freo ȝ færewyrð, *free and fareworthy*, that is, having the right to go whither he chooses.

[3] L. Rotharis, Langob. Reg. cap. 225.

appears that the master, even though he gave the free roads, might reserve the mund of his freedman, by which he retained the right of inheriting from him, if he died childless[1]; and this recalls to us the provision already cited from the Kentish law[2]. The history of Ramsey informs us that Æðelstán, the son of Manni, adopted this form in a very extensive emancipation of his serfs[3], and we may therefore suppose it to have been a mode usual among the Saxons. Among the Franks, the fullest and completest act of emancipation was that which took place before the king, or in a popular court; the freedman, from the ceremonies adopted on the occasion, was called *Denarialis*, or *Denariatus*, "qui denarium ante regem iactavit." He became capable of a wergyld, of contracting marriage with a free woman, and in general obtained all the rights of a free citizen. But he still remained in some degree under the mund of the king, who received his wergyld, and had certain rights over his inheritance[4]. I do not know whether this has any connexion with a law of Henry the First, which provides that in *any case* of manumission, the serf shall give thirty pence to the lord, as a witness, namely the price of his skin, for a testimony that

[1] Ll. Roth. Langob. Reg. cap. 226. [2] Ll. Wiht. § 8.

[3] "Per omnes terras suas, de triginta hominibus numeratis, tredecim manumisit, quemadmodum eum sors docuit, *ut in quadrivio positi pergerent quocunque voluissent.*" Hist. Ram. 29.

[4] See Eichhorn, i. 333. Such a person resembles the Langobardic freedman *per impans*. Ibid. p. 331. I imagine the principle upon which the wergyld went to the king, to be this: the freedman either never had a free mégð, or they had forfeited the mægscealt by suffering him to be reduced to serfage. Compare Ll. Eádw. § 9.

he is thenceforth himself its master[1]. There was a form of manumission among the Franks by charter[2], which however did not confer all the privileges of the *denarialis*. The holder of such a charter was thence called Chartularius: I will not assert that such a system prevailed here, although it is possible that some of the many charters of emancipation, printed in the Codex Diplomaticus, may be of this nature. Their general character however is that of a record of bargain and sale between different parties: it may be indeed presumed that emancipation would follow, but there is no positive statement that it did. The following class of cases perhaps approaches nearest to such a *charta ingenuitatis*: "By this book of the Gospels it appeareth that Ælfwig the Red hath bought himself out, from Abbat Ælfsige and all the convent, with one pound. Whereof is witness all the brotherhood at Bath. Christ blind him who turneth away this record[3]!" But this is only a memorandum in a copy of the Gospels, no charter of manumission; and I presume that the sheriff would have required some much more definite and legal act, before he looked upon Ælfwig the Red as a freeman. Probably he was duly made free at the altar of the abbey church or at the door[4]. Of this subsequent process we have a good example in the book of St. Petroc.

[1] L. Hen. I. lxxviii. § 3. That is, that he is no longer liable to corporal punishment like a serf.

[2] "Qui vero per chartam ingenuitatis dimissi sunt liberi," etc. Capit. Bajuvar. an. 788. cap. 7 (Georgisch. p. 548). Eichhorn, i. 332.

[3] Cod. Dipl. 1350.

[4] Every lawyer knows the value of the *ad ostium aecclesiae*, at any rate in matters of dower. It implies perfect publicity.

"This book beareth witness that Ælfsige bought a woman called Ongyneðel, and her son Gyðiccæl, of Ðurcil for half a pound, at the church-door in Bodmin: and he gave to Ælfsige the portreeve and Maccos the hundred-man, fourpence as toll. Then came Ælfsige who bought these persons, and took them, and freed them, ever sacles, on Petroc's altar, in the witness of these *good men*; that is, Isaac the priest[1]," etc.

Of all forms of emancipation I imagine this to have been the most frequent, partly because of its convenience, partly because the motives for emancipation were generally of a religious cast, and the sanctions of religion were solemn and awful. Almost all the records which we possess on this subject are taken from the margins of Gospels or other books belonging to religious houses, and the few references in the laws imply emancipation at the altar. Among the Franks this form, in which the freedman was called Tabularius, conveyed only imperfect freedom: the utmost it could do was to confer the privileges of a Roman provincial, to which class the clergy were reckoned: but the *tabularius* even so was not fully free; he still remained in the mund of the church. Wihtræd's law, so often cited, shows clearly that this was not the case in England; nor could it be, seeing that the clergy among us were national, and the Frankish system of *personal* rights did not prevail. I am therefore disposed to think that gradually emancipation at the altar was taken to convey all the privileges of

[1] Cod. Dipl. 981. § 28.

manumission, and that it was the mode generally, though not exclusively, in use. On this point, the want of documents prevents our attaining certainty. The method was probably this: the man was formally offered up before the high altar, and there declared free in the presence of the officiating clergy and the congregation. A memorandum was then made in some religious book belonging to the church, and the names of the witnesses were recorded. Whether a separate certificate was prepared does not appear.

The full extent of the rights obtained by the freedman, especially in respect of inheritance, is not to be gathered from any existing Anglosaxon document. It is probable that these were limited, as among the Langobards and Franks: his offspring however were free, and his marriage with a free woman, equal: his other rights, duties and privileges, in short his general condition, were in all probability determined by certain arrangements between himself and his lord previous to the act of manumission. In such a case neither party would find much difficulty in settling the terms of a bargain.

NOTE.

THE following pedigrees illustrate the care with which the relations of the gebúr, and other dependent cultivators on an estate were recorded. It is probable, nay even certain, that such records were preserved in all lordships: they were the original court-rolls, by copy of which the unfree tenants, perhaps also the poor freemen, held, who were thus the ancient copyholders. The amount of the holdings was undoubtedly

settled by the custom of the county or the manor; and it is probable that one measure prevailed for all tenants of similar grades. A record of descents was necessary to regulate the claims of a lord to the families of his *coloni*, and some extensive system of registration very probably prevailed: it would be impossible without it to secure the due operation of the law of *teám*.

"Dudda was a gebúr at Hæðfeld, and he had three daughters, one was named Deórwyn, the second Deórswýð, the third Golde. And Wulfláf at Hæðfeld hath Deórwyn to wife, Ælfstán at Tæccingawyrð hath Deórswýð to wife, and Ealhstán, Ælfstán's brother, hath Golde to wife. There was a man named Hwíta, the beemaster at Hæðfeld, and he had a daughter Táte, the mother of Wulfsige, the bowman; and Wulfsige's sister Lulle hath Héhstán to wife, at Wealden. Wifús and Dunne and Seoloce are inborn to Hæðfeld. Duding, the son of Wifús, is settled at Wealden; and Ceólmund the son of Dunne, also sits at Wealden, and Æðelheáh the son of Seoloce, also sits at Wealden: and Táte, Cénwold's sister, Mæg has to wife at Welgun; and Eádhelm, the son of Hereðrýð, hath Táte's daughter to wife. Wærláf, Wærstán's father, was a right serf at Hæðfeld, he held the grey swine[1]."

"✠ A man named Bráda was a gebúr at Hæðfeld, and Hwíte was the name of Bráda's wife; she was a gebúr's daughter at Hæðfeld. Hwíte was Wærstán's Wærðrýð's and Wynburh's third mother[2]. And Wærstán sits at Wádtún, and hath Wine's sister to wife, and Wine hath Wærðrýð to wife, And Dunne sat at Wádtún, she was inborn to Hæðfeld: and Deórwyn her daughter hath Cynewald to wife at Munden: and Deórnáð her brother is with Cynewald. And Dudde, Wifús's daughter sits at Wilmundesleá. Cynhelm, Cénwald's father, was a gebúr at Hæðfeld, and Manna, Cénwald's son, sits at Wádtún under Eádwald."

"✠ Buhe, Dryhtláf's mother-in-law, was removed from Hæðfeld into Eslingaden: and Æðelwyn, Eádugu and Æðelgyð were three sisters; and Tilwine and Dudda, these were all Buge's children; and Ealhstán Tilwine's son, and Wulfsige Eádugu's son, and Ceólhelm Æðelgyð's son, and Ceólstán and Manwine. This kin came from [Hæð]feld; Deórwulf, Cyneburh's son, and his two sisters; and Cyneríc at Clæfring is their uncle. These men are the *magas* of Táta, the gebúr at Hæðfeld." Cod. Dipl. No. 1353.

It is probable that all these places are in Hertfordshire, or in Essex. In both counties we find Hatfield and Walden: there is no Clavering in Hertfordshire, that I know of. On the other hand I am not aware of any Munden or Watton in Essex.

[1] He was the æhteswán or *porcarius dominicalis*. I cannot explain the distinction intended by ða grægan swín, literally the *grey* swine.

[2] Perhaps great-grandmother.

In 880 Æðelred, duke of Mercia, gave various estates to the bishopric of Worcester. He also gave six persons with their offspring, who had previously been *adscripti glebæ* at the royal vill of Bensington. "These are the names of the persons who are written from Bensington to Readanora, to the bishopric of Worcester, with their offspring, and the progeny that may come of them to all eternity: Alhmund, Tídwulf, Tídheáh, Lull and Eádwulf[1]."

In 902, Beornwulf *homed* (gehámette), that is attached to his manor of Eblesburne, a number of persons, of both sexes. Lufe and her three children, Luha and his six children are named[2].

In the time of Eádgár we have the record of several persons establishing by their oaths that their parents had not been serfs or *coloni* of the king[3]. An Appendix to this chapter contains numerous examples of manumissions, of various periods.

[1] Cod. Dipl. No. 311. [2] Ibid. No. 1079. [3] Ibid. No. 981.

CHAPTER IX.

THE MUTUAL GUARANTEE. MÆGBURH. TITHING. HUNDRED.

THE organization in Marks and in the Gá or Scír was a territorial one, based upon the natural conformation of the country, common possession of the soil and usufruct of its produce. It has been already said that both of these divisions had their separate courts of justice or parliaments, their judges and executive officers. But some further machinery was required to secure the public peace, to provide for the exercise of what, in modern society, we call the police, and to ensure the rights of the individual markman, in respect to other markmen, as well as his conformity to the general law. A corporate existence was necessary, which should embrace a more detailed system of relations than was to be found either in the Mark or in the Shiremoot. Strictly speaking, the former of these was principally busied with the questions which arose out of its own peculiar nature, that is, with offences against the integrity of the frontier, the forest, the rights of common in the pastures and meadows, and other delinquencies of a public character. On the other hand, the Shiremoot, though it must have taken cognizance of disputed questions between several Marks, and may, even from the first, have

exercised some description of appellate jurisdiction, must naturally have considered the higher and more general attributes of legislation and foreign policy, the national rather than municipal administration, as belonging to its peculiar and appropriate province. Perhaps also the exigencies of military discipline may gradually have rendered a more complicated method of enrolment necessary, by means of which companies and regiments might be kept upon a permanent footing, and called into immediate action when occasion demanded their services; while, at the same time, due provision was made for the tilling the lands of those whose personal exertions were required in defence of the public weal[1].

There were two forms in which these various objects might be attained; these were, subordinate organizations of men, not excessive in number, or too widely dispersed, and founded either upon the bond of blood and the ties of family, including that of adoption, or merely upon an arbitrary numerical definition. Each of these plans had advantages as well as defects: the family bond alone did not secure a sufficient territorial unity, although in practice it had at first considerable influence upon the location of individual households; moreover it gave rise to an inequality continually on the increase, and necessarily threatening to the independence of the free men. On the other hand, any merely arbitrary, numerical classification would have excluded

[1] For the Frankish custom see the Capitulary of the year 807. Pertz, iii. 149. and Dönniges, Deut. Staatsr. pp. 92, 93.

a most important social element, the responsibility of man to man in the bond of kindred, the feelings and engagements of family affection, family honour and family ambition. The problem was finally solved by a partial union of the two methods: in all probability, the law of compromise which reigns throughout all history, gradually brought about a fusion of two separate principles, widely differing in point of antiquity, and thus superinduced the artificial upon the natural bond, without entirely destroying the influence of the latter.

For I think it unquestionable that the artificial bond was really later in point of time: since, in the first place, indefinite and vague arrangements usually precede the definite and settled; and next, because Tacitus takes no notice whatever of any but the family bond, which he represents as stringent in the highest degree. We have already seen that Caesar declares the divisions of the land to have taken place according to families or relationships, *cognationes*[1], from which we may infer at first a considerable amount of territorial unity. From his far more observant successor we learn that the military organization was based upon the same principle; that the composition of the troop or regiment depended upon no accidental arrangement, but was founded upon families or relationships[2]; and that every man was bound to take up

[1] See above, p. 39, note 1.

[2] "Quodque praecipuum fortitudinis incitamentum est, non casus nec fortuita conglobatio turmam aut cuneum facit, sed familiae et propinquitates." Germ. vii.

the enmities as well as the friendships of his father or kinsman[1]. But leaving these earlier evidences, it still seems that the Mægburh or *Family-bond* is an institution whose full comprehension is necessary to a clear conception of the Anglosaxon public and private life.

The idea of the family is at once the earliest and strongest of human ties: in its development it is also the most ennobling to the individual and salutary to the state; on it depend the honour and dignity of woman, the unselfish education of man, the training of children to obedience and love, of parents to protection and justice, of all to love of country and enlightened subordination to the state. Where it does not exist, man becomes an instrument in the hands of others, or the blind tool of systems. In its highest form it is the representative of that great mystery by which all Christians are one brotherhood, united under one Father and King. Throughout the latter day of ethnic civilization, when the idea of *state* had almost ceased to have power, and the idea of *family* did not exist, there was a complete destruction both of public and private morality; and the world, grown to be a sink of filth and vice, was tottering to the fall which Providence in mercy had decreed for its purification. The irruption of the German tribes breathed into the dead bones of heathen cultivation the breath of a new life; and the individual dignity of man as a member of a family,—the deep-seated

[1] "Suscipere tam inimicitias seu patris seu propinqui quam amicitias necesse est." Germ. xxi.

feeling of all those nations, — while it prepared them to become the founders of Christian states which should endure, made them the wonder of the philosophers and theologians of Rome, Greece and Africa, and an example to be held up to the degenerate races whom they had subdued[1]. The German house was a holy thing; the bond of marriage a sacred and symbolic engagement[2]; holy above man was woman herself. Even in the depths of their forests the stern warriors had assigned to her a station which nothing but that deep feeling could have rendered possible: this was the sacred sex, believed to be in nearer communion with divinity than men[3]. In the superstitious tradition of their mythology, it was the young and beautiful Shieldmays, the maiden Wælcyrian, who selected the champions that had deserved to become the guests of Wóden. The matrons presided over the rites of religion, conducted divinations[4], and encouraged the warriors on the field of battle[5]; Ve-

[1] What had struck Tacitus with astonishment and admiration in the first century (Germ. xviii. xix.), seemed equally remarkable to the thinkers of the Roman world in the fourth and fifth. Innumerable passages confirmatory of the averments in the text might be cited from Augustine, Orosius, Salvianus, or even Procopius,—testimonies all the more valuable because supplied by hostile witnesses, by the conquered of the conqueror, the orthodox of the Arian.

[2] Tac. Germ. xix.

[3] Ibid. viii.

[4] Caes. Bell. Gall. i. 50.

[5] Tac. Germ. vii. viii. After the defeat of the Cimbri by Marius, their women applied to the Consul, to have their chastity respected, and themselves assigned as serfs to the vestal virgins. On receiving a refusal they put their children and then themselves to death. The dogs that had accompanied them, long defended their corpses. See Florus, iii. 3, and Orosius, v. 16.

ledas and Aurinias, prophetesses in the bloom of youth and beauty, led the raw levies of the North to triumph over the veteran legions of Rome. Neither rank nor wealth could atone for violated chastity[1]; nor were in general any injuries more severely punished than those which the main strength of man enabled him to inflict on woman[2]. That woman, nevertheless, *in the family*, held a subordinate situation to men, lies in the nature of the family itself, and in the disposition and qualities which have been implanted in woman, to enable her to fulfil her appointed duties in the scheme of Providence; qualities not different in *degree*, but *kind*, from those of her helpmate, that they may be the complement of his, and, united with his, make up the full and perfect circle of humanity. As an individual, woman was considered a being of a higher nature; as a member of the state, she was necessarily represented by him upon whom nature had imposed the joyful burthen of her support, and the happy duty of her protection,—a principle too little considered by those who, with a scarcely pardonable sciolism, have clamoured for what they call the rights of woman. Woman among the Teutons was near akin to divinity, but not one among them ever raved that the *femme libre* could be *woman*.

Hence the profound importance attached to cha-

[1] Tac. Germ. xix.

[2] For this a general reference to the *Barbarian* laws must suffice. Alaric even went the length of putting to death a noble Goth, who, during the sack of the city, had violated the daughter of a Roman citizen.

stity, and the undoubted influence of alliances by marriage[1], through which separate kindreds are fused into one body, adopting common interests, pursuing common objects, and recognizing in the bond which unites its members, obligations which are still exhibited in oriental countries, which we trace throughout the middle ages of Europe, but which are gradually vanishing under the conditions of our modern, mercantile society.

It lies in the very nature of things that among a people animated with such principles as have now been described, and so placed by circumstances on tracts of land far more than sufficient for their support, the very earliest organization should be based upon the family relations. Dwelling near to one another, united by a community of interests and the endearing ties of mutual relationship, or the scarcely weaker bond of adoption,—strong as regards other families in direct proportion to their union among themselves,—the mæg$\eth$ or family offer all the guarantees in their own natural position which the primitive state can require. In the popular councils the largest and most distinguished family has necessarily the greatest weight; but association of others, severally less powerful, is always capable of counteracting danger which might arise in a free state from the ambition of any of its portions. In the absence of a central power,—or rather its dispersion through all the several members of the com-

[1] A beautiful evidence of this lies in the epic name for woman; in Anglosaxon poetry she is called freo$\eth$owebbe, *the weaver of peace.* Beów. l. 3880. Trav. S. l. 11,

munity, the collection of revenue and the maintenance of the peace must be left to the heads of the several fractions, whether villages (as in the East), or families, which at one time are identical with villages. The police therefore especially belongs to the family, and is by it exercised over all the individuals that compose it; hence also the grave misconduct of the individual may justly have the effect of destroying the social position of the whole mæg$\eth$. In Beówulf, the warriors who deserted their prince in his utmost need, are sternly told by his successor, that not only they, but their whole mægburh will thenceforth have forfeited the rights of citizenship,

folcrihtes sceal
$\eth$ǽre mǽgburge
monna ǽghwylc
ídel hweorfan,

not, *each of you individually*, but *each and every man* of your kin, cognation or mǽgsceaft, shall be deprived of his rights of citizenship: from which we must infer that the misconduct of one person might compromise his relatives, who are held responsible for his actions[1]. And this rule, coupled with the fact of all serving together, under one selected from among themselves, and each under the eye of his nearest and dearest friends, supplied a military organization capable of enabling the *barbarians* to cope with far more disciplined and scientific military systems than their own; serving to explain

[1] See the remarkable passage cited at p. 188, note 1.

the almost irresistible power with which, like the Turks of more recent times, the Teutons of old burst upon the nations exposed to their onset[1]. The wergyld, or price of blood, the earliest institution of this race, only becomes perfectly intelligible when considered from this point of view: the *gens* or family at large are injured by the loss of their associate, and to them compensation must be made; so they, in turn, must make compensation for him, since rights and duties are commensurate. This principle, however darkly, is still involved in the theory of our civil actions for seduction.

[1] Weight and momentum combined are the secret of modern tactics, and *morally speaking* (i. e. the appearance in superior force on certain points), of modern strategics also. Cavalry charging in successive echelons would always break infantry but for the check which man and horse experience in their speed from the file-firing of the squares: the mere weight of the horse *falling dead into the first rank* would break it if he reached it. If the weight of the advancing body be greater than that of the resisting, the latter is destroyed. A successful charge of cavalry won the battle of Marengo, an unsuccessful one lost that of Waterloo. Modern warfare was more changed by the substitution of iron for wooden ramrods, by which the momentum of musket-balls was increased, than by almost any other mere change of detail. Steam-carriages and scythe-chariots, the Macedonian phalanx—nay, even squadrons of horse, are only *larger bullets*, which may be launched with more or less success; all these are mechanical discoveries consequent upon the fact that the individuals of which armies are composed are lower in the scale of moral dignity than of old. Once group men in masses, and they become subject, more or less, according as discipline has destroyed their individuality, to the mechanical laws which govern the relations of all masses. No doubt a stone wall will turn any charge of cavalry; and so will a regiment of infantry, in exact proportion as you teach it to stand like a stone wall, that is, as you destroy the individual action of each soldier. The Romans stood above two feet apart; our men touch one another at the elbows. Our armies are fitter perhaps for aggressive movements. The Germans probably charged tumultuously; but the scyldburh, or *wall of shields*, was hardly less capable of receiving a charge than our own squares.

It lies in the very nature of things that this, albeit a natural, cannot be an enduring system. Its principal condition is neighbourhood, the concentration of the family upon one spot: as population increases, and with it emigration, the family bond gradually becomes weaker, and at last perishes as a positive and substantive institution, surviving only fragmentarily in the traces which it leaves upon the later order that replaces it. War, commerce, cultivation,—the effect and cause of increasing population,—gradually disperse the members of the *sibsceaft* or cognation, and a time arrives when neighbours are no longer kinsmen. At this point the old organization ceases to be effective, and a new one becomes necessary, unless the ancient principle is to be entirely abandoned. But principles are not easily abandoned in early stages of society; a young nation finds it easier to adopt artificial arrangements founded upon the ancient form: nor is it necessary that the later should have totally superseded its predecessor; it is enough that when the earlier ceases to fulfil its object, the latter should be directed to supply its obvious deficiency, and be united with it, as circumstances best permit.

Throughout the earliest legislation of the Teutonic nations, and especially in our own, we find arrangements, based upon two distinct principles, in active operation. The responsibility of the family lies ever in the background, the ultimate resort of the state against the individual, of the individual against the state. But we also find small

bodies of men existing as corporations, founded upon number and neighbourhood, and thus making up the public units in the state itself. From the first, we find the inhabitants of the Mark classed in tens and hundreds (technically in England, Tithings and Hundreds), each probably comprising respectively a corresponding number of members, together with the necessary officers, viz. a tithing-man for each tithing, and a hundred-man for the hundred, thus making one hundred and eleven men, or Heads of houses in the territorial hundred[1]. The Frankish law names the officers thus alluded to: in it the tithing-man is *Decanus*, the hundred-man *Centenarius*[2]. The Anglosaxon law does not indeed mention its divisions by these names till a comparatively late period, when their significations had become in some respects altered; but it seems probable that it does imply them under the term Gegyldan, *fellows, brothers of the gyld.* In a case of aggravated crime it is provided that the offender's relatives shall pay a third part of the fine, his gegyldan a third part, and if he cannot pay the remainder himself, he is to become an outlaw, *i. e.* forfeit his land and flee, perhaps formally abjure the country[3]. Now it is

[1] There is some difficulty in deciding whether the head of the tithing was included in the ten, or beside it. I have proceeded upon the supposition that he was not included, consequently that there were really eleven men in the tithing. The leading authority (Jud. Civ. Lond. Æðelst. v. § 3. Thorpe, i. 230), is totally and irreconcileably contradictory on the point.

[2] The Decani appear to be the same as the *Decimales homines* of Æðelred's law. Thorpe, i. 338.

[3] Ll. Ælf. § 27.

perfectly clear that a law expressed in such general terms as these, cannot be directed to a particular and exceptional condition; that it does not apply to the accidental existence of gegyldan, but on the contrary assumes every man to have such: we cannot therefore construe it of voluntary associations formed for religious, social or funereal objects[1], and for the purposes of this law we must look upon gegylda as a general name borne by every individual in respect of some gyld or association of which he was taken to be a member. The only meanings which the root *gyld* enables us to attach to the word gegylda are these; either, *one who shares with others in paying*; or, *one who shares with others in worshiping*. If we adopt the former rendering, we must suppose that certain contributions were made by a number of persons to a common purse, partly for festive purposes, partly as a mutual guarantee and club-fund for legal costs, for the expenses of reciprocal aid and defence, perhaps even for mortuary celebrations and charitable distributions. Another, though perhaps a less probable, suggestion is that such gegyldan may have been jointly responsible for taxes, or the outfit of armed men who attended in the *fyrd* or military expedition, on behalf of them all. But this we cannot further illustrate, in the absence of all

[1] Such voluntary associations were not unusual. Several deeds of agreement of such clubs are given in an Appendix to this Chapter. There seem to have been similar clubs among the Hungarians: they were called "Kalender-Bruderschaften," from usually meeting on the first day of every month. Fessler, Gesch. der Ungern, i. 725.

record of the financial system of the early Teutonic monarchs, even those of Charlemagne himself, which would have been invaluable guides to us through the intricacies of that dark subject of enquiry. The second meaning given to gegylda would rest upon the assumption of some private and as it were hero-worship, common to the gyld-brothers,—a fact familiar enough to us in the Athenian φυλαί and Roman *gentes*; but the existence of any such foundation for the gyld among the Anglosaxons is extremely improbable, when we consider the small numbers that appear to have constituted the association, and that no trace of any such worship remains in our heathen mythology[1]. I therefore prefer the first rendering of the word, and look upon gegyldan as representing those who mutually pay for one another; that is, under a system of pecuniary mulcts, those who are mutually responsible before the law,—the associates in the tithing and the hundred.

It is well known that in the later Anglosaxon law, and even to this day, the tithing and hundred appear as local and territorial, not as numerical divisions: we hear of tithings where there are more, and tithings where there are fewer people; we are told of the *spoor* of cattle being followed into one hundred, or out of another[2]. I do not deny that in process of time these divisions had become ter-

[1] The later guilds of trades, dedicated to particular Saints, are quite a different thing; in form these bear a most striking resemblance to the φυλαί.

[2] Ll. Eádg. Hund. § 5. Thorpe, i. 260.

ritorial; but this does not of necessity invalidate the doctrine that originally the numbers were calculated according to the heads of families, or that the extent of territory, and not the taxable, military or corporate units, formed at first the varying quantity. Had it been otherwise we should naturally have found a much greater equality in the size of the territorial hundreds throughout at least each Saxon kingdom; nor in all probability would the numbers of the hundreds in respective counties differ so widely,—a difference intelligible only if we assume population, and not space, to have been the basis of the original calculation. Moreover to a very late period, in one part of England the abstract word Teoðung was replaced by the more concrete Tenmantale (tyn-manna-tæl)[1] to which it is impossible to give any meaning but the simple one the words express, viz. the tale or count of ten *men*. Again, as late as the tenth century, in a part of England where men, and not acres, became necessarily the subjects of calculation, viz. in the city of London[2], we find the citizens distributing themselves into Friðgylds or associations for the maintenance of the peace, each consisting of ten men; while ten such

[1] Ll. Ed. Conf. xx.

[2] I do not for a moment imagine that this was an entirely new organization. The document which contains the record seems to be the text of a solemn undertaking, almost a treaty of alliance, between the City and king Æðelstan, for the better maintenance of the public peace. It is perhaps worth attention that the Tyn-manna-tæl was a denomination peculiar to another large city—York: but the same authority from which we learn this fact, identifies the institution with that in common use throughout the land. Ll. Ed. Conf. xx.

gylds were gathered into a Hundred. The remarkable document known as "Judicia Civitatis Londinensis" gives the following detailed account of the whole proceeding:

"This is the ordinance which the bishops and the reeves belonging to London have ordained, and confirmed with pledges, among our friðgylds, as well eorlish as ceorlish, in addition to the dooms which were fixed at Greatley, at Exeter, and at Thundersfield.

"Resolved: That we count every ten men together, and the chief one to direct the nine in each of those duties which we have all ordained, and afterwards the hyndens of them together, and one hynden-man who shall admonish the ten for our common benefit; and let these eleven hold the money of the hynden, and decide what they shall disburse, when aught is to pay, and what they shall receive, should money accrue to us at our common suit[1]. . . . .

"That we gather to us once in every month, if we can and have leisure, the hynden-men and those who direct the tithings, as well with butt-filling, or as else may please us, and know what of our agreement has been executed. And let these twelve men[2] have their refection together, and feed themselves as they themselves think right, and deal the remains of the meat for love of God[3]."

[1] Æðelst. v. 3, § 1. Thorpe, i. 230.

[2] The MS. reads twelve, xii, but it seems almost certain that we ought to understand eleven, that is one man for each tithing and one for the hundred or hynden.

[3] Æðelst. v. 8. § 1. Thorpe, i. 236.

Now as this valuable record mentions also territorial tithings, containing different amounts of population[1], it seems to me to furnish important confirmation of the conclusion that the gegyldan of Ini and Ælfred, the members of the London tithings or friðgylds of ten, and the York *tenmantale*, are in truth identical. And it is further in favour of this view that the citizens called the members of such gildships, gegyldan[2]:—

"And we have also ordained, respecting every man who has given his pledge in our gyldships, that, should he die, each gyld-brother (gegylda) shall give a gesufel-loaf for his soul, and sing a fifty (psalms), or cause the same to be sung within xxx days."

Upon a review of the preceding passages it may be inferred that the hynden consisted of ten tithings, and consequently answered to what we more commonly call a hundred: it may perhaps be suggested that, if any distinction existed between these two terms, the hynden represented the numerical, the hundred the territorial division. But their original identity may be argued from an important passage in the law of Ini. He ordains[3]: "He that is

[1] "Swá of ánre teoðung ðær máre folc sig." Thorpe, i. 232.

[2] "And we cwædon eác be ælcum ðára manna ðe on úrum gegyldscipum his wed geseald hæfð, gif him forðsíð gebyrige, ðæt ælc gegylda gesylle ænne gesufelne hláf for ðære sáwle, and gesinge án fiftig, oððe begite gesungen binnan xxx nihtan." Æðelst. v. 8. § 6. Thorpe, i. 236.

[3] "Seðe bið werfæhðe betogen, and he onsacan wille ðæs sleges mid áðe, ðonne sceal beón on ðære hyndenne án cyningáð be xxx hída, swá be gesíðcund men swá be ceorliscum, swá hwæðer swá hit sý." Ini. § 54. Thorpe, i. 136. Upon this passage the late Mr. Price had the following note, which is interesting, though I cannot agree with his

charged with mortal feud, and is willing to deny the slaying on oath; then shall there be in the hynden one king's oath of thirty hides, as well for a noble as a churl, be it whichever it be."

Now hynden can only mean one of two things, viz. a collection of ten or a collection of a hundred, according as we render the word *hund*. Admitting that at some very early period hund did mean ten, we yet never find it with any such signification in any book or MS., or indeed at all except in the numerals hundseofontig, hundeatatig, hundnigontig, hundtwelftig, where its force is anything but clear, when we compare those words with fiftig, sixtig, twentig, etc. On the other hand the adjective hynde does clearly denote something which has the quality of a hundred; thus a twyhynde or twelfhynde man is he whose life is worth respectively two or twelve *hundred* shillings. Again it is clear that the Judicia Civitatis Londinensis intends by hynden a collection of a hundred, and not of ten, men, inasmuch as it distinguishes this from the tithings.

conclusion: "It has been already observed that the hynden consisted of ten persons, and, like hynde in the words twyhynde, sixhynde, twelfhynde, appears to have been formed from hund, of which the original meaning was *ten*. The hynden therefore will correspond to the *turba* of the Civil Law ('quia Turba decem dicuntur.' Leg. Præt. 4. § Turbam), the *Tourbe* of the French Coutumes: 'Coutume si doit verefier par deux tourbes et chacun d'icelles par dix temoins.' Loisel. liv. v. tit. 5. c. 13." But the correspondence noted will entirely depend upon the fact of the hynden really being a collection of ten men, which I do not admit. There is no dispute as to the meaning of *Turba* or *Tourbe*: but if, as it is not impossible, *turba* should be really identical with þorp *vicus*, it might deserve consideration whether the original village was not supposed to consist of ten families and so to form the tithing or gyldscipe.

And further, it must be admitted, upon the internal evidence of the law itself, that a hundred and not a tithing is referred to, since so small a court as that of the ten men could not possibly have had cognizance of such a plea as manslaughter, or been competent to demand a king's oath of thirty hides. But as such a plea might well be brought before the hundred-court, it is probable that such was meant. Lastly it was the custom for the hundred-court to be holden monthly, and we observe the same provision with the London hynden; at which it is very probable that legal matters were transacted, as well as accounts investigated; for it is expressly declared that their meeting is to ascertain how the undertakings in the record have been executed; that is, how the peace has been kept. I therefore conclude that the Hynden and the Hundred are in fact and were at first identical; with the hypothetical reservation, that at a later period the one word represented a numerical, the other a territorial division, when these two had ceased to coincide: in corroboration of which view it may be observed that the word Hynden does not occur in the laws later than the time of Æðelstán, nor Hundred earlier than that of Eádgár.

It is true that no division founded upon numbers can long continue to coincide with the first corresponding territorial allocation, however closely they may have been at first adjusted. In spite of every attempt to regulate it, population varies incessantly; but the tendency of land-divisions is to

remain stationary for ages[1]; a holy horror prevents the alteration of that which has been sanctified in men's minds by long continuance, was perhaps more deeply sanctified at the first by religious ceremonies. The rights of property universally demand the jealous guardianship of boundaries. Moreover the first tithings, or at all events the first hundreds, must have had elbowroom enough within the Mark to allow for a considerable elasticity of population without the necessity of disturbing the ancient boundary; and thus we can readily understand two very distinct things to have grown up together, out of one origin, namely a constantly increasing number of gylds, yet a nearly or entirely stationary tale of territorial tithings and hundreds. I cannot but think that, under happier circumstances, this view might lead us to conclusions of the utmost importance with respect to the history of our race: that if it were possible for us now to ascertain the original number of hundreds in any county of which Beda in the eighth century gives us the population, and also the population at the period of the original division, we should find the two data in exact accordance, and thus obtain a clue to the movement of the population itself down to Beda's time. Looking to the permanent character of land-divisions,

[1] It is very remarkable how many modern parishes may be perambulated with no other direction than the boundaries found in the Codex Diplomaticus. To this very day the little hills, brooks, even meadows and small farms, bear the names they bore before the time of Ælfred, and the Mark may be traced with certainty upon the local information of the labourer on the modern estate.

and assuming that our present Hundreds nearly represent the original in number and extent, we might conclude that, if in the year 400 Kent was first divided, Thanet then contained only one hundred heads of houses, or hydes, upon three thousand acres of cultivated land, while in the time of Beda, three centuries later, it comprised six hundred families or hides upon eighteen thousand acres.

It is a common saying that we owe the institution of shire, tithing and hundred divisions to Ælfred. Stated in so broad a manner as this, I am compelled to deny the assertion. No one can contemplate the life and acts of that great prince and accomplished man without being filled with admiration and respect for his personal energy, his moral and enlightened policy, and the sound legislative as well as administrative principles on which he acted. But we must nevertheless not in the nineteenth century allow ourselves to be blinded by the passions and prejudices which ruled in the twelfth. The people, oppressed by foreign power, no doubt, long looked back with an affectionate regret to the memory of "England's Darling;" he was the hero of a suffering nation; his activity and fortune had once cleared the land of Norman tyranny; his arm had smitten the forefathers of those whose iron yoke now weighed on England: he was the reputed author of those laws, which, under the amended and extended form enacted by the Confessor, were now claimed by the English people from their foreign kings: he was, in a word, the representative, and as it were very incarnation,

of English nationality. We may smile at, but must yet respect, the feeling which made him also the representative of every good thing, which connected every institution or custom that his suffering countrymen regretted, with his time-hallowed name. It is unnecessary to detail the many ways in which this traditional character of Ælfred continually reappears; the object of these remarks is merely to point out that the attribution to him of the system of tithings, hundreds and the like, is one of many groundless assertions connected with his name. Not one word in corroboration of it is to be found in Asser or any other contemporaneous authority; and there is abundant evidence that the system existed long before he was born, not only in other German lands, but even among ourselves. Still I am unwilling to incur the responsibility of declaring the tradition absolutely without foundation: on the contrary it seems probable that Ælfred may have found it necessary, after the dreadful confusion and devastation of the Danish wars, to make a new muster or regulation of the tithings, nay even to cause, in some districts, a new territorial division to be established upon the old principle; and this is the more credible, since there is reason to believe that the same causes had rendered a new definition of boundaries generally necessary even in the case of private estates: the strongest argument against this lies however in the total silence of all contemporary writers. A less tenable supposition is, that Ælfred introduced such divisions for the first time into the countries which he united with Wessex; as

it is impossible to conceive any Anglosaxon state to have existed entirely without them.

The form and nature of the institution, long known in the English law under the name of Frankpledge[1], may be compendiously described in the words of the laws called Edward the Confessor's[2]. According to that document,—

"Another peace, the greatest of all, there is, whereby all are maintained in firmer state, to wit in the establishment of a guarantee, which the En-

[1] An early confusion gave rise to the reading of Freoborh, *liberum plegium*, free pledge, frank-pledge, for Friðborh, the pledge or guarantee of peace, *pacis plegium*. The distinction is essential to the comprehension of this institution.

[2] This is given here only as the most detailed account: the principle was as old as the Anglosaxon monarchy itself, or older. The law of Eádgár thus expresses it: "Let every man so order, that he have a surety, and let the surety (*borh*) bring and hold him to every right; and if any one then offend and escape, let the surety bear what he ought to bear. But if it be a thief, and the surety can get hold of him within twelve months, let him surrender the thief to justice, and let what he before paid be restored to him." Eádg. ii. § 6. Thorpe, i. 268.

"This then is my will, that every man be in surety, both within the towns and without the towns." Eádg. ii. supp. § 3. Thorpe, i. 274.

"Let every freeman have a true *borh*, who may present him to every right, should he be accused." Æðelred, i. § 1. Thorpe, i. 280.

"If he flee from the ordeal, let the *borh* pay for him according to his *wer*." Æðelr. iii. § 6. Thorpe, i. 296.

"And we will that every freeman be brought into a hundred and into a tithing, who desires to be entitled to *lád* or *wer*, in case any one should slay him after he have reached the age of xii years: or let him not otherwise be entitled to any free rights, be he householder, be he follower. And let every one be brought into a hundred and a surety, and let the surety hold and lead him to every plea." Cnut, ii. § 20. Thorpe, i. 386.

The stranger or friendless man, who had no *borh*, i. e. could not find bail, must be committed, at the first charge; and instead of clearing himself by the oaths of his friends, must run the risk and endure the pain of the ordeal. Cnut, ii. § 35. Thorpe, i. 396.

glish call Friðborgas, with the exception of the men of York, who call it Tenmannetale, that is, the number of ten men. And it consists in this, that in all the vills throughout the kingdom, all men are bound to be in a guarantee by tens, so that if one of the ten men offend, the other nine may hold him to right. But if he should flee, and they allege that they could not have him to right, then should be given them by the king's justice a space of at least thirty days and one: and if they could find him they might bring him to justice. But for himself, let him out of his own restore the damage he had done, or if the offence be so grave let justice be done upon his body. But if within the aforesaid term he could not be found, since in every friðborh there was one headman whom they called friðborgheved, then this headman should take two of the best men of his friðborh, and the headman of each of the three friðborgs most nearly neighbouring to his own, and likewise two of the best in each, if he can have them; and so with the eleven others he shall, if he can, clear both himself and his friðborh both of the offence and flight of the aforesaid malefactor. Which if he cannot do, he shall restore the damage done out of the property of the doer, so long as this shall last, and out of his own and that of his friðborh: and they shall make amends to the justice according as it shall be by law adjudged them. And moreover the oath which they could not complete with the *venue*, the nine themselves shall make, viz. that they had no part in the offence. And if at any time they can recover him,

they shall bring him to the justice, if they can, or tell the justice where he is[1]."

Thus the object of the gylds or tithings was, that each man should be in pledge or surety (*borh*) as well to his fellow-man as to the state for the maintenance of the public peace: that he should enjoy protection for life, honour and property himself, and be compelled to respect the life, honour and property of others: that he should have a fixed and settled dwelling where he could be found when required, where the public dues could be levied, and the public services demanded of him: lastly that, if guilty of actions that compromised the public weal or trenched upon the rights and well-being of others, there might be persons especially appointed to bring him to justice; and if injured by others, supporters to pursue his claim and exact compensation for his wrong. All these points seem to have been very well secured by the establishment of the Tithings, to whom the community looked as responsible for the conduct of every individual comprised within them; and coupled with the family obligations which still remained in force in particular cases, they amply answered the purpose of a mutual guarantee between all classes of men. The system possessed the advantage of being necessarily regulated by neighbourhood, and it was free from some disadvantages which might have attended an exclusive reliance upon kinsmanship:

[1] "De friðborgis, et quod soli Eboracenses vocant friðborch Tenmannetale, i. e. sermo decem hominum," etc. Ll. Edw. Conf. xx. Thorpe, i. 450.

the friðborgas not having the bond of blood between them, which might have induced an improper partiality in favour of one of their members; and as they stood under responsibility for every act of a gyldsman, being interested in preventing an undue interference on the part of his family. We thus see that the gyldsmen were not only bound to present their fellows before the court of the freemen when specially summoned thereto, but that they found their own advantage in exercising a kind of police-surveillance over them all: if a crime were committed, the gyld were to hold the criminal to his answer; to clear him, if they could conscientiously do so, by making oath in his favour; to aid in paying his fine if found guilty; and if by flying from justice he admitted his crime, they were to purge themselves on oath from all guilty knowledge of the act, and all participation in his flight; failing which, they were themselves to suffer mulct in proportion to his offence. On the other hand they were to receive at least a portion of the compensation for his death, or of such other sums as passed from hand to hand during the progress of an Anglosaxon suit. Being his neighbours, the *visnetum*, *vicinage* or *venue*, they were his natural compurgators or witnesses, and consequently, being examined on oath, in some sense the *jurati* or *jurors* upon whose verdict his weal or woe depended. And thus the importance of character, so frequently appealed to even in our modern jurisprudence, was carried to the highest extent.

We may reasonably conclude that the close in-

tercourse thus created, was improved to private and social purposes, and that these gylds, like the much larger associations of the same name in after times, knew how to combine pleasure with business. The citizens of London hint at a monthly *symposium* or treat, with *butt-filling*, when the tithingmen met together to settle the affairs of their respective hundreds,—a trait not yet extinct in the civic, or indeed the national, character. There can also be little doubt that the gylds even formed small courts of arbitration, as well as police, for the settlement of such trifling disputes between members of the same gyld, as were not worthy of being reserved for the interference of a superior tribunal[1]; and it is also probable that the members considered themselves bound to aid in the festivities or do honour to the obsequies of any individual gyld-brother: the London gyldsmen were to distribute alms, and cause religious services to be performed at the decease of a fellow; and it is obvious that this sharing in a religious obligation, the benefits of which were to extend even into another life, must

[1] The law of Eádweard the Confessor shows this clearly: "Cum autem viderunt quod aliqui stulti libenter forisfaciebant erga vicinos suos, sapientiores coeperunt consilium inter se, quomodo eos reprimerent, et sic imposuerunt iusticiarios super quosque decem friðborgos, quos decanos possumus dicere, Anglice autem tyenðe-heved vocati sunt, hoc est caput decem. Isti autem inter villas, inter vicinos tractabant causas, et secundum quod forisfacturae erant, emendationes et ordinationes faciebant, videlicet de pascuis, de pratis, de messibus, de certationibus inter vicinos, et de multis huiusmodi quae frequenter insurgunt." § xxviii. How clearly has the jurisdiction of the Tithing here superseded that of the ancient *Mark*!

have impressed somewhat of a solemn and sacred character upon the whole institution[1].

Much of what has been observed respecting the tithing, applies also to the hundred. This, it has been seen, was originally a collection of ten tithings, and was presided over by a hundredes ealdor[2], or hundred-man, who exercised a jurisdiction over his circuit and its inhabitants. From the concurrent practice of later periods we may conclude that his court was holden monthly for the hearing of such civil and lighter criminal causes as could not be settled in the tithing, or interested more tithings than one[3]. It is not probable that the higher criminal causes could at any period be pursued in the hundred[4], but that they were necessarily reserved for the consideration of the folcmót or

[1] In what may be called the Act of Constitution of Orcy's Gyld at Abbotsbury, this feature is very prominent. I have therefore appended the instrument in an Appendix to this chapter, although as a voluntary gyld it differs in some respect from those heretofore under consideration. The trade-guilds of the Middle Ages paid also especial attention to the religious communion of their members.

[2] The word Borseholder renders it probable that the *capitalis*, tynmanna heáfod, yldesta, etc. bore among the Saxons the name of Borgesealdor, *princeps plegii*.

[3] This again we learn from the law attributed to Eádweard the Confessor. "Cum autem maiores causae insurgebant (that is greater than those which concerned the tithing), referebant eas ad alios maiores iusticiarios, quos sapientes supradicti super eos constituerant, scilicet super decem decanos, quos possumus vocare centenarios, quia super centum friðborgos iudicabant." § xxix.

[4] I find no instance of a hundredes man having the *blut-bann* or *ius gladii*: but in the time of Eádgár, he seems to have had power to administer the single and threefold ordeal; whether only in the case of serfs does not appear. Inst. Hundr. Thorpe, i. 260.

shire-court, which met three times in the year. In the later legislation, trial of capital offences was reserved for the scyremót, and the words of Tacitus[1] seem to imply that this was the case in his time also: perhaps even such causes as involved the penalties of outlawry may have been beyond the jurisdiction of the hundred. It is however less as a court of justice than as part of a system for the maintenance of peace, that we are to contemplate the hundred. It may be securely affirmed that where the tithing alone could not be made responsible, or more tithings than one were involved in a similar difficulty as to crimes committed by their members, resort was had to the responsibility of the collective hundred,—a principle which, it is well-known, subsists even to this day.

At a comparatively late period, we occasionally find a consolidation of hundreds into one body, for judicial purposes, presided over by the ealdorman of the shire, or his geréfa, and forming a subsidiary court to the shiremoot: and after immunities, or private jurisdictions, had become rapidly extended, it is certain that such consolidations were not unusual, in the hands of great civil or ecclesiastical authorities, and that they, by means of their officers or geréfan, held plea in several hundreds at once; they thus substituted their own power for that of the ealdorman or the sheriff, in the last instance, throughout the district comprehended by their immunity; either replacing the old hundred-men by

[1] "Licet apud concilium accusare quoque et discrimen capitis intendere." Germ. xii.

geréfan or bailiffs, or suffering the hundreds to be still governed and administered in the way common to all such divisions, by the elective officer[1].

It stands to reason that the system above described applied only to the really free. It was the form of the original compact between the independent members of an independent community. But as, by the side of the free landholders, there dwelt also unfree men of various ranks, so also there existed modifications of the original compact, suited to their condition. Those who in a more or less stringent degree were dependent, could not be members of the tithing, the hundred or the folcmót. They stood to right among themselves, in their lord's court, not in the people's, and in the latter they could not appear for themselves. The institution therefore which provided that the lord might maintain a Comitatus or *following*, provided also that its members should all be in his mund (protection) and borh (surety), and that he should make answer for them in the courts from which they were themselves excluded[2].

[1] Eádweard the Confessor granted the hundred of Hornmere in Berkshire to Ordric, abbat of Abingdon; "so that no sheriff or mootreeve may hold therein any plea or moot, without the Abbat's own command and permission." Cod. Dip. No. 840. He also granted the hundred of Godley in Surrey to Wulfwold, Abbat of Chertsey, and forbade the sheriff to meddle in the same. Cod. Dip. No. 840, 849.

[2] "And let every lord have his household in his own *borh*. Then if any of them should be accused, and escape, let the lord pay the man's *wer* to the king. And if any accuse the lord that the escape was by his counsel, let him clear himself with five thanes, being himself the sixth. If the purgation fail him, let him forfeit his *wer* to the king; and let the man be an outlaw." Æðelr. i. § 1. Thorpe, i. 282. "And let every

It is difficult to decide whether the lords or nobles were at first comprised within the popular corporations: it appears most probable that they were not; that they were sufficient to their own defence, and, even from the earliest historical periods, in possession of that *immunity* which released their lands from the jurisdiction of the popular tribunals. In respect therefore to the gylds, they may be supposed to have held an independent, though not necessarily hostile, position, regulated indeed by the public law: and if they stood to right with their men, in the folcmót, it was the collective power and dignity of the state with which they had to deal, and not the smaller associations, founded upon necessities of which they were not conscious. Their dependents were under their guarantee and surety, as the members of every man's household, his wife, children and serfs, were under *his*: for them he was responsible to the community at large; but he owed no suit or service to others, and if he persisted in upholding wrong, I fear the only corrective was to be found in the inalienable *ius belli*, which resumes its power instantly upon the viola-

lord have his household in his own *borh*, and if any one accuse his man of any thing, let the lord answer for him within the hundred, wherein he is cited, as just law is. And if he escape," etc. Cnut, ii. § 31. Thorpe, i. 394, 396. "Archiepiscopi, episcopi, comites, barones et milites suos, et proprios servientes suos, scilicet dapiferos, pincernas, camerarios, cocos, pistores, sub suo friðborgo habebant, et ipsi suos armigeros et alios servientes suos sub suo friðborgo; quod si ipsi forisfacerent, et clamor vicinorum insurgeret de eis, ipsi haberent eos ad rectum in curia sua, si haberent sacham et socam, tol et theam, et infangene thef." Edw. Conf. xxi. Thorpe, i. 451.

tion of that tacit understanding among men, that the well-being of society depends upon a regulated mutual forbearance. Those were not ages in which acts of self-defence or righteous retribution could be misnamed revolutions. But all these remarks are intended to apply only to a state of society in which the nobles were few and independent, the people strong and united; where the people were in truth the aristocracy [1], and the nobles only their chiefs. The hólder of an immunity (having sacu and sócn) in later times, under a consolidated royalty representing the national will, and in a state from which the element of the people had nearly vanished, through the almost total vanishing of small independent freeholds, was necessarily placed in a very different position.

It now remains only to bestow a few words upon the manner in which the original obligations of the family bond were gradually brought to bear upon the artificial organization.

Upon a careful consideration of the latter it appears that its principal object was gained when either offences were prevented, or the offender presented to justice: the consequences of crime, in all but a few excepted cases, fell not upon the gegyldan

[1] The freeman is a member of an aristocracy in respect of *all* the unfree, whether these be temporarily so, as his children and guests, or permanently so, as his serfs. To be in the πολίτευμα, which others are not, to have the franchise which others have not, to have the freedom of a city which others have not, all these are forms of aristocracy,—the aristocracy of Greece, Rome and England. The Peers in England are not themselves exclusively an aristocracy: they are the born leaders of one, which consists now of ten-pound householders, freemen in towns, and county tenants under the Chandos clause.

(if they could clear themselves of participation) but upon the mǽgas or relatives[1].

The laws of Æðelberht, Wihtræd and Hloðhere know nothing of gegyldan: with them the mǽgas are still wholly responsible, and even their intervention is noticed in three cases only: Æðelberht provided that in the event of a manslayer flying the country, the family should pay half the wergyld of the slain[2]. Again he enacts, that if a married woman die without bearing children, the property she brought her husband, and that which he settled upon her after consummation, shall return to her paternal relatives[3]. According to the legislation of Hloðhere, if a man died, leaving a wife and child, the mother was to have the custody of the child till his tenth year, but the paternal kinsmen were to administer his property, under satisfactory pledge for due discharge of their duty[4]. The regulations

[1] "And if any one charge a person in holy orders with feud (fǽhðe) and say that he was a perpetrator or adviser of homicide, let him clear himself with his kinsmen, who must bear the feud with him, or make compensation for it. And if he have no kin, let him clear himself with his associates or fast for the ordeal by bread, and so fare as God may ordain." Æðelr. ix. § 23, 24. Thorpe, i. 344. Cnut, i. § 5. Thorpe, i. 362. The associates or *geferan* here are probably his fellows in orders. But a monk being released from all family relations could not be implicated in the responsibilities of the mǽgburh (ibid. § 25); "for he forsakes his law of kin (mǽgðlage) when he submits to monastic law." Cnut, i. § 5. Thorpe, i. 362.

[2] "Gif bana of lande gewíteð, ða mǽgas healfne leód forgylden." Æðelb. § 23. Thorpe, i. 8.

[3] "Gif heó bearn ne gebyreð, fæderingmǽgas feoh ágen and morgengyfe." Æðelb. § 81. Thorpe, i. 24.

[4] "Gif ceorl ácwyle be libbendum wífe and bearne, riht is ðæt hit, ðæt bearn, módder folgige; and him man an his fæderingmǽgum wilsumne berigean geselle, his feoh tó healdenne oððæt he tyuwintre síe." Hloðh. § 6. Thorpe, i. 30.

of Ini allow us to enter still further into the nature of the family engagement. He enacted that if a stranger came through the wood out of the highway, and attempted to slink through in secret, without shouting or blowing his horn, he should be taken to be a thief, and might be slain or forced to pay according to his presumed crime: and if the slayer were then pursued for his wergyld, he might make oath that he slew him for a thief, and the lord and the gegyldan of the dead man should not be allowed to make oath to the contrary: but if the slayer had at the time concealed the deed, and it was only afterwards discovered, a presumption of unfair dealing was raised against him, and the kindred of the dead man were entitled to make oath of his innocence[1]. Again if a stranger were slain, the king was to have two parts of his wergyld, the son or relatives of the dead man might claim the third; but if there were no relatives, the king claimed half, the count half[2]. Besides a provision for a sur-

[1] "Gif feorcund man oððe fremde bútan wege geond wudu gonge, and ne hrýme né horn bláwe, for þeóf he bið tó prófianne, oððe tó sleánne oððe tó álýsanne. Gif mon ðæs ofslægenan weres bidde, he mót gecýðan ðæt he hine for þeóf ofslóge, nalles ðæs ofslægenan gegildan né his hláford. Gif he hit ðonne dyrneð, and weorðeð ymb lang yppe, ðonne rýmeð he ðám deádan tó ðám áðe, ðæt hine móton his mágas unscyldigne gedón." Ini, § 20, 21. The collocation of gegyldan and mágas in this law seems to show clearly that Ini looked upon them as the same thing: hence that in the original institution the gyld and the family were identical, though afterwards, for convenience' sake the number and nature of the gyld were otherwise regulated, when the kinsmen had become more dispersed.

[2] "Gif mon ælþeódigne ofslea, se cyning áh twædne dæl weres, þriddan dæl sunu oððe mágas. Gif he ðonne mágleás sie, healf cyninge, healf se gesíð." Ini, § 23.

viving child, similar to that of Hlo$ðhere[1], the law of Ini contains no further regulation with regard to the mægas of the free man. Four several chapters referring to serfs who are guilty of theft, rest upon the principle that his kin have renounced the mægburh by suffering him to remain in serfage, and together with the obligations of kinsmen have relinquished their own right of avenging his injuries or making pursuit for his wrongs[2].

The duties of the mægsceaft or kinship are developed with considerable detail in the law of Ælfred: the most general regulation is that which acknowledges the right of a man to have the aid of his kindred in all those excepted cases where the custom and the law still permitted the waging of fæhðe or private war: "After the same fashion, may a man fight on behalf of his born kinsman, if any wrongfully attack him; except indeed against his lord: that we permit not[3]." Other clauses provide that where a wrongdoer is taken into custody, and agrees peaceably to abide the decision of the law, his relatives shall have due notice[4]: "If he pledge himself to a lawful act, and belie himself therein, let

[1] Ini, § 38.

[2] Ini, § 24, 28, 35, 74. Thorpe, i. 118, 120, 124, 148.

[3] "Æfter ðære ylcan wísan mót mon feohtan mid his geborenum mæge, gif hine mon on woh onfeohtað; búton wíð his hláford: ðæt we ne lýfað." Ælf. § 42. Thorpe, i. 90.

[4] "Gif he ðonne ðæs weddie ðe him riht sý tó gelæstanne and ðæt áleóge, selle mid eádmédum his wæpn und his áhta his freóndum tó gehealdanne, and beó feowertig nihta on carcerne on cyninges túne; þrowige ðær swá biscop him scrífe, and his mægas hine fédan gif he self mete næbbe; gif he mégas næbbe, oððe ðone mete næbbe, fédle cyninges gerefa hine." Ælf. § 1. Thorpe, i. 60. There is a similar provision in Ælf. § 5. Thorpe, i. 64. Ælf. § 42. Thorpe, i. 90.

him humbly surrender his arms and his goods to his friends, to hold for him, and let him remain for forty days in prison in a king's tún; let him there suffer as the bishop may direct him; and let his kinsmen feed him, if he have himself no food; but if he have no kinsmen, or no food, let the king's reeve feed him." Again if a man is accidentally slain while hewing wood with others, his kinsmen are to have the tree, and remove it from the land within thirty days, otherwise it shall go to the owner of the wood[1]. The most important case of all, however, is that of a divided responsibility between the kinsmen and the gegyldan, which Ælfred thus regulates: "If one that hath no paternal kindred fight and slay a man, if then he have maternal relatives, let them pay a third part of the *wer*, his gyldbrethren a third part, and for a third part let him flee. If he have no maternal relatives, let his gyldbrethren pay half, and for half let him flee. And if any one slay such a man, having no relatives, let half be paid to the king, half to the gyldbrethren[2]." It was also the principle of Ælfred's law, recognized but not introduced by him, that no man should have the power of alienating from his mægsceaft, booklands whose first acquirer had entailed them upon the family,—a principle which

[1] Ælf. § 13. Thorpe, i. 70.

[2] "Gif fæderenmægа mægleás mon gefeohte and mon ofsleá, and ðonne gif he médrenmægas hæbbe, gylden ðá ðæs weres þriddan dæl, þriddan dæl ða gegyldan, for þriddan dæl he fleó. Gif he médrenmægas náge, gylden ða gegyldan healfne, for healfne he fleó. Gif mon swá geráðne mon ofsleá, gif he mægas náge, gylde mon healfne cyninge, healfne ðám gegyldan." Ælfr. § 27, 28. Thorpe, i. 78, 80.

tends, as far as human means seem capable of ensuring it, to ensure its permanent maintenance[1].

The reciprocal rights and duties of the mægburh were similarly understood by Eádweard: he enacted that if a malefactor were deserted by his relatives, and they refused to make compensation for him, he should be reduced to serfage; but in this case his wergyld was to abate from the kindred. And Æðelstan distinctly holds the mægð responsible for their kinsman. He says, "If a thief be put into prison, let him remain there forty days, and then let him be ransomed for 120 shillings, and let the kindred go surety for him that he shall cease from theft for the future. And if after that he steal, let them pay for him with his wergyld, or replace him in prison[3]." But he goes further than this, and imposes upon them the duty of finding a lord for him, or exposing him to the penalty of outlawry: "And we have ordained respecting those lordless men of whom no law can be got, that the kindred be commanded to domicile him to folk-right, and find him a lord in the folkmote; and if then they will not or cannot produce him at the term, let him thenceforth be an outlaw, and let whoso cometh at him slay him[4]:" a provision which

[1] Ælfr. § 41. Thorpe, i. 88.

[2] Eadw. ii. § 9. Æðelst. v. cap. 12, § 2. Thorpe, i. 164, 242.

[3] Æðelst. i. § 1, 6; v. cap. 1, § 4, cap. 9. Thorpe, i. 198, 202, 228, 238.

[4] Æðelst. i. § 2. Thorpe, i. 200. Upon the just principle that "He may die without law who refuseth to live by law." "Utlagatus et weyviata capita gerunt lupina [wolves-head] quae ab omnibus impune poterunt amputari: merito enim sine lege perire debent, qui secundum legem vivere recusant." Flet. lib. i. cap. 27, § 12, etc.

obviously cannot apply to free landowners, who would have been included in a tithing, and could not have been thus compulsorily commended to a lord. Where a man is slain as a thief, the relatives are to clear him, if they can[1], inasmuch as they would have a right to pursue the slayer and claim the compensation for their kinsman's death. Again it is provided that if a lord has so many dependents that he cannot personally exercise a due supervision over them, he shall appoint efficient reeves or bailiffs in his several manors, to be answerable to him. And if need be, the bailiff shall cause twelve relatives of any man whom he cannot trust, to enter into sureties for him[2].

Eádmund permitted the mǽgð to avoid the consequences of their kinsman's act, by refusing to abet him in his feud[3]. I imagine that this law must be taken in connection with that of Eádweard[4], and that it implies a total desertion of the criminal by his kindred, with all its consequences, viz. loss of liberty to him, and of his wergyld to them. The troubled time of Æðelred, "the ill-advised," supplies another attempt to secure peace by holding the relatives strictly and personally responsible: in his law we find it enacted, "If breach of the peace be

[1] Æðelst. i. § 11. Thorpe, i. 204.

[2] "Ut omnis homo teneat homines suos in fideiussione sua contra omne furtum. Si tunc sit aliquis qui tot homines habeat quod non sufficiat omnes custodire, praeponat sibi singulis villis praepositum unum, qui credibilis sit ei, et qui concredat hominibus. Et si praepositus alicui eorum hominum concredere non audeat, inveniat xii plegios cognationis suae qui ei stent in fideiussione." Æðelst. ii. § 7. Thorpe, i. 217.

[3] Eádm. ii. § 1.

[4] Eádw. ii. § 9.

committed within a town, let the inhabitants of the town go in person, and take the murderers, alive or dead, or their nearest of kin, head for head. If they will not, let the ealdorman go; if he will not, let the king go; if he will not, let the whole district be in a state of war[1]." Though this perhaps is less a settled rule of law than the convulsive effort of an authority striving in vain to maintain itself amid civil discords and the horrors of foreign invasion, it still consecrates the old principle, and returns to the true basis on which Anglosaxon society was founded, namely treaties of peace and mutual guarantee between the several parties that made up the State.

Such were the means by which the internal peace of the land was attempted to be secured, and it is evident that better could hardly have been devised in a state of society where population was not very widely dispersed, and where property hardly existed, save in land, and almost equally unmanageable cattle. The summary jurisdiction of our police magistrates, our recognizances and bail and binding over to keep the peace, are developements rendered necessary by our altered circumstances; but these are nevertheless institutions of the same nature as those on which our forefathers relied. The establishment of our County-courts, in which justice goes forth from man to man, and without original writ from the Crown, is another step toward the ancient principle of our jurisprudence, in the old Hundred.

[1] Æðelr. ii. § 6. Thorpe, i. 286.

A further inquiry now arises, as to the basis upon which all calculations as to satisfaction between man and man were founded; in other words to the system of Wergylds and its various corollaries: this will form the subject of a separate chapter.

CHAPTER X.

FÆ'HÐE. WERGYLD.

The right of private warfare, technically called fæhðe or *feud*[1], was one which every Teutonic freeman considered inalienable; and which, coupled with the obligations of family, was directly derived from his original position as a freeman[2]: it was the privilege which he possessed before he consented to enter into any political bond, the common term upon which all freemen could meet in an equal form of polity. It was an immediate corollary from that primæval law of nature, that each man may provide for his own defence, and use his own energies to secure his own well-being, and the quiet possession of his life, his liberty and the fruits of his labour. History and tradition both assure us that it did exist among the tribes of the North; and it is reasonable to suppose that it must have done so, especially in any case where we can conceive separate families and households to have maintained at all an independent position toward one

[1] Fæhðe is etymologically derived from fá, *a foe*: it is the state or condition of being fá with any one. "Gif hwá ofer ðæt stalige sý he fá wið ðone cyning and ealle his freónd." "If after that, any one steal, be he foe (at feud) with the king, and all that love him."

[2] Tacit. Germ. xxii.

another. Where no *imperium* yet exists, society itself possesses only a *ius belli* against its own several members; and if neighbours will not be neighbourly, they must be coerced into peace (the great and first need of all society and the condition of its existence) by alliance of the many against the few, of the orderly and peaceful against the violent and lawless. This right of feud then lies at the root of all Teutonic legislation; and in the Anglosaxon law especially it continues to be recognized long after an imperial power has been constituted, and the general conservancy of the peace has been committed to a central authority. It admits as its most general term, that each freeman is at liberty to defend himself, his family and his friends; to avenge all wrongs done to them, as to himself shall seem good; to sink, burn, kill and destroy, as amply as a royal commission now authorizes the same in a professional class, the recognized executors of the national will in that behalf. Now it is obvious that such a power, exercised in its full extent, must render the formation of an orderly society difficult, if not impossible. The first problem then is to devise means by which private vengeance may be regulated, private wrong atoned, the necessity of each man's doing himself right avoided, and the general state of peace and security provided for. For setting aside the loss to the whole community which may arise from private feud, the moral sense of men may be shocked by its results: an individual's own estimate of the satisfaction necessary to atone for the injury done to him, may lead to

the commission of a wrong on his part, greater than any he hath suffered; nor can the strict rule of "an eye for an eye, and a tooth for a tooth," be applied, where the exaction of the penalty depends upon the measure of force between appellant and defender.

In the feeling then of the omnipotence of the State, for paramount purposes, over all the several individuals whose proximity to one another necessarily caused the existence between them of relations, amicable or hostile, the Teutonic nations set themselves the task of regulating the *Right of Feud*. They could not entirely abrogate it, for it was the very basis of that freedom which enabled every man to enter into a contract or engagement as to the mode of its exercise; but they defined, and as far as possible limited, its sphere and the extent of its action.

The natural right of every man to do himself justice to the extent of his own estimate[1], seems early to have received so much check as could be given by the establishment of a *lex talionis*,—life for life, and limb for limb. The eorl who captured the thane Imma, in the seventh century, could say to him, "I might justly put thee to death, because my kinsmen fell in the battle wherein thou

[1] This is the wild right of every outlaw, the law of nature which resumes its force when human law has been relinquished.

> "I lost mine eye in laying the prize aboard,
> And therefore, to revenge it, shalt thou die!"
>
> Hen. VI. Part 2, act iv. sc. 1.

Such is the justice of him who has returned to the universal state of war. Against such a one, Society, if it mean to be society, must on its side declare a war of extermination.

wert made prisoner[1];" and this principle was recognized even in the later legislation, after what we may call a legal commutation of this right had been established: the ordinance respecting oaths to be administered says, "A twelfhynde man's oath stands for six ceorls' oaths; because if a man should avenge a twelfhynde man, he will be fully avenged on six ceorls, and his wergyld will be six ceorls' wergylds[2]." The Teutonic nations generally avoided the inconveniences of such a system by making the State itself the arbitrator between the parties; that is, by establishing a tariff at which injuries should be rated, and committing to the State the duty of compelling the injured person to receive, and the wrongdoer to pay, the settled amount. It thus engaged to act as a mediator between the conflicting interests, with a view to the maintenance of the general peace: it assured to the sufferer the legal satisfaction for his loss; it engaged to his adversary that, upon due payment of that legal satisfaction, he should be placed under the public guarantee and saved from all the consequences of feud. For doing this, the State claimed also some remuneration; it imposed a fine, called sometimes *fredum*, from friþ, peace, or *bannum* from its proclamation (bannan)[3], over and above the compen-

[1] Beda, Hist. Eccl. iv. 22.

[2] "Twelfhyndes mannes áþ forstent syx ceorla áþ; forþám gif man þone twelfhyndan man wrecan sceolde, he biþ full wrecen on syx ceorlum, and his wergyld biþ syx ceorla wergyld." Oaths, § 12. Thorpe, i. 182.

[3] The technical term is, *to set up the king's protection*, "cyninges munde rǽran." Eádw. and Guþ. § 13. Eádm. ii. § 7. Thorpe, i. 174,

sation between man and man. And this is obviously what Tacitus means when he says[1], "They are bound to take up both the enmities and the friendships of a father or relative. Nor are their enmities implacable; for even homicide is atoned for by a settled number of flocks or cattle, and the whole house receives satisfaction,—a useful thing for the state, for feuds are dangerous in exact proportion to freedom." And again, "A portion of the fine goes to the king or state, a part to him whose damages are to be assessed, or to his relatives." Only where the State would not, or could not, as may sometimes have happened, undertake this duty, did the right of private warfare again resume its course, and the family relations recover their pristine importance. The man who presumes to fight, before he has in vain appealed to all the recognized authorities for redress, is liable, under Ælfred's law, to severe punishment, except in one important case, which involved the maintenance of the family itself, to secure which alone the machinery of the State exists[2]. But where the offender refuses to

250. This is the engagement of the State that the arbitrement shall be peaceably made, and it at once abrogates all right of feud, and fear of violent revenge.

[1] "Suscipere tam inimicitias seu patris seu propinqui quam amicitias necesse est. Nec implacabiles durant; luitur enim etiam homicidium certo armentorum ac pecorum numero, recipitque satisfactionem universa domus: utiliter in publicum; quia periculosiores sunt inimicitiae iuxta libertatem." Germ. xxii. "Sed et levioribus delictis [including homicide] pro modo poenarum equorum pecorumque numero convicti multantur. Pars multae regi vel civitati, pars ipsi qui vindicatur, vel propinquis eius exsolvitur." Ibid. xii.

[2] The Saxon law says, in accordance with the universal law of nature and society, "A man may fight, without incurring the penalty of

avail himself of the means of peaceful settlement which society has provided for him, the person injured may make war upon him; and have the assistance of the State in so doing. The most general expression of this right is found in a proverbial formula retained in the law of Eádweard the Confessor, and which may be said to comprise all the law of the subject: it says, "Let amends be made to the kindred, or let their war be borne;" whence the English had the proverb, 'Bicge spere of síde óðer bere,' that is to say, *Buy off the spear or bear it*[1]. The mode however of applying this general right was not left to individual caprice. The following regulations made by successive kings will explain very fully the practice and the theory of Feud or War. Ælfred ordains, "That the man who knows his foe to be homesitting fight not, before he have demanded justice of him. If he have power enough to beset his foe, and besiege him in his house, let him keep him there for seven days, but not attack him, if he will remain within-doors. If then, after seven days, he be willing to surrender, and to give up his weapons, let him be kept safe for thirty days, and let notice of him be given to his kinsmen and friends. . . . But if the plaintiff

raising war, against him whom he finds with his wedded wife, within closed doors, or under one covering; or, with his daughter lawfully born, or with his sister lawfully born, or with his mother, who was given to his father as his wedded wife." In these cases there is, and can be, no murder before the law. It is needless to show from the history and traditions of every European state, that this is a principle universally recognized.

[1] Ll. Eádw. Conf. xii. Thorpe, i. 447.

have not power enough of his own to besiege his foeman, let him ride to the ealdorman and beg aid of him: and if the ealdorman will not aid him, let him ride to the king before he fights. In like manner if a man come accidentally upon his foe, and without previous knowledge of his homestaying; if the foe will surrender his weapons, let him be kept safely for thirty days, and let notice be given to his friends. If he will not surrender his weapons, he may lawfully be attacked. But if he be willing to surrender and to deliver up his weapons, and after that, any one attack him, let him pay *wer* and wound, as well he may, and fine, and have forfeited his mægship[1]. We also declare that it is lawful war, for a man to fight for his lord, if any one attack his lord: and so also may the lord fight for his man. And in like manner a man may fight for his born kinsman, if any wrongfully attack him, except against his own lord: that we allow not. And it is lawful war if a man find another with his wedded wife within closed doors, or under one covering, or with his daughter born in wedlock, or his sister born in wedlock, or his mother who was given to his father as a wedded wife[2]."

The inconveniences of this state of society induced Eádmund, about the middle of the tenth cen-

[1] Probably, "Let him forfeit all claim to the assistance of his kinsmen, either in repelling feud or paying fine."

[2] Ælfr. § 42. I have slightly varied the form of expression in the last sentences, on account of the difficulty of rendering the adjective *orwige*. Ælfred says in these cases a man may fight *orwige*, literally, *without incurring the guilt of making war*, without becoming obnoxious to the penalties assigned to the crime of war-raising.

tury, to release the kindred from the consequences of fǽhðe: he thus commences his secular laws:

"Eádmund the king makes known to all the people, old and young, that are in his dominion, what I have deliberated with the counsel of my Witan, both ordained and laic. First how I might best promote Christianity. Then seemed it to us first most needful that we should most firmly preserve peace and harmony among ourselves, throughout all my dominion. Both I, and all of us, hold in horror the unrighteous and manifold fightings that exist among ourselves: we have therefore decreed: If henceforth any one slay another, let him bear the feud himself, unless by the assistance of his friends, and within twelve months, he make amends with the full *wer*, be he born as he may. But if his kindred forsake him, and will not pay for him, it is my will that all the kindred be *unfáh* [out of feud] except the actual perpetrator; provided that they do not give him either food or protection. But if afterwards any of the kindred harbour him, he shall be liable in all that he possesses to the king[1] and bear the feud with the kindred, because they had previously forsaken him. But if any of the other kindred take vengeance upon any man save the actual perpetrator, let him be foe to the king and all his friends, and forfeit all that he has[2]."

[1] A forfeiture of this kind is recorded in the Codex Diplomaticus, Nos. 714, 719, 1304. A lady had harboured her brother, while an outlaw for murder. Her lands were all forfeited and given to the king.

[2] Eádm. Sec. L. § 1. Thorpe, i. 246.

It is probable that this right thus reserved to the kindred of deserting their guilty kinsman, was not often exercised, nevertheless the subsequent laws of Æðelred and Cnut[1] may be considered to have been understood in connexion with it, and subject to its limitations.

The law of Eádweard the elder (about A.D. 900 to 915), regulates the mode of proceeding when both parties are willing to forgo the feud, upon the established principles of compensation. He says[2]: "The wergyld of a twelfhynde man is twelve hundred shillings. The wergyld of a twýhynde man is two hundred shillings. If any one be slain, let him be paid for according to his birth. And it is the law, that, after the slayer has given pledge for the wergyld, he should find in addition a *werborh*, according to the circumstances of the case; that is, for the wergyld of a twelfhynde man, the werborh must consist of twelve men, eight by the father's, four by the mother's side. When that is done, let the king's protection be set up; that is, all, of either kindred, laying their hands together upon one weapon, shall pledge themselves to the mediator, that the king's protection shall stand. In twenty-one days from that day let one hundred and twenty shillings be paid as *healsfang*, at a twelfhynde man's wergyld. The healsfang belongs to the children, brothers and paternal uncles; that money belongs to no kinsman except such as are within the degrees of blood. Twenty-one days after the healsfang

[1] See above, cap. ix. p. 264.

[2] Eád. and Guð. § 13. Thorpe, i. 174.

is paid, let the *manbót* be paid; twenty-one days later, the *fight-fine*; in twenty-one days from this, the *frumgyld* or first instalment of the wergyld; and so forth until the whole sum be discharged at such fixed time as the Witan have agreed. After this they may depart with love, if they desire to have full friendship. And with respect to the wergyld of a ceorl, all that belongs to his condition shall be done in like manner as we have said respecting the twelfhynde man."

The law of Eádmund contains similar provisions[1]. "The Witan shall appease feud. First, according to folkright, the slayer shall give pledge to his advocate, and the advocate to the kindred of the slain, that the slayer will make compensation to the kin. Then it is necessary that security be given to the slayer's advocate, that the slayer may draw nigh in peace, and himself give pledge for the wergyld. When he has given his wed for this, let him further find a werborh, or security for the payment of the wer. When that is done let the king's protection be set up: within twenty-one days from that, let the healsfang be paid; within other twenty-one days, the manbót; and twenty-one days from that, the first instalment of the wergyld."

The wergyld then, or life-price, was the basis upon which all peaceful settlement of feud was established. A sum, paid either in kind or in money, where money existed, was placed upon the life of every free man, according to his rank in the

[1] Eádm. Sec. § 7. Thorpe, i. 250.

state, his birth or his office. A corresponding sum was settled for every wound that could be inflicted upon his person; for nearly every injury that could be done to his civil rights, his honour or his domestic peace; and further fines were appointed according to the peculiar, adventitious circumstances that might appear to aggravate or extenuate the offence. From the operation of this principle no one was exempt, and the king as well as the peasant was protected by a wergyld, payable to his kinsmen and his people. The difference of the wergyld is the principal distinction between different classes; it defined the value of each man's oath, his mund or protection, and the amount of his fines or his exactions: and, as we have already seen[1], it regulated the equivalent for his value. And as it is obvious that the simple wergyld of the free man is the original unit in the computation, we have a strong argument, were any needed, that that class formed the real basis and original foundation of all Teutonic society.

Although this principle was common to all the Germanic tribes, very great variety exists in the amounts severally adopted to represent the value of different ranks,—a variety easily understood when we reflect upon the relative condition of those tribes at the period when this portion of their law was first settled. A slight account of them will be useful, as an introduction to the consideration of our Anglosaxon values. It will be seen throughout that

[1] See above, p. 275.

various circumstances have tended to introduce changes into the early and simple order[1].

Salian Franks.—Ingenuus, 200 sol.: litus, 100 sol.: ingenuus in hoste 600: litus in hoste, 300 sol.: ingenuus in truste 1800: litus in truste, 900 sol.

Thus if engaged in actual warfare, the value of the freeman and the emancipated serf was tripled; and if in the *trust* or immediate service of the king, their respective values were multiplied nine times. It is probable that the Ripuarian Franks adopted the same numbers.

Angli et Werini.—Liber 200 sol.: adaling (noble) 600: libertus (freedman) 80 sol.

Law of the Saxons.—Probably, the freeman 240 shillings: noble 1440: freedman 120 shillings.

Law of the Bavarians.—The duke 960 shillings: the ducal family of the Agilolfings, 640: the other five noble races, 320 shillings: the simple free man 160 shillings.

Law of the Alamanni.—Primus (the first rank of the nobles) 240 shillings: medianus (the second rank of nobles) 200: minofledus (the free man) 160.

Law of the Burgundians.—Noble 300 shillings: lower noble (mediocris) 200: freeman (minor) 150.

Law of the Frisians.—Noble 80 shillings: freeman $53\frac{1}{3}$; freedman $26\frac{2}{3}$ shillings.

Law of the Visigoths.—Freeman (between the years of twenty and fifty) 300 shillings: freedman 150.

[1] The following numbers are taken from Grimm, Rechtsalt. p. 272.

In the North, 100 silfrs was the wergyld of the freeman, and there is no account of the jarl's. The Old Swedish laws generally assign 40 marks; this is the reckoning of the Upland, Sudermanland, and Eastgothland laws. The Westgothland law has 39 marks; the Jutish 54; and the Gutalag, three marks of gold.

The wergyld of the clergy is slightly different: among the Salic Franks, deacon 300, priest 600, bishop 900 shillings. A late addition to the Ripuarian law computes,—clericus 200, subdeacon 400, deacon 500, priest 600, bishop 900.

This is sufficient to give a general outline of the system: it will be observed that these continental computations give no reckoning for the king. Beyond doubt they were for the most part settled after the royal power had become so fully developed as to cast aside all traces of its original character and nature.

The Anglosaxon equivalents for these computations are by no means clear; nor, as far as we can judge, are they altogether consistent. It is probable that they varied not only in the several Anglosaxon kingdoms, but were also subject to change at various periods, as the relative value of life and produce altered. The Kentish law which names only the eorl and ceorl, as the two classes of free men, does not give us the exact amount of their wergylds, but it supplies us with some data by which perhaps an approximation may be made to it. In Æðelberht's law (§ 2, 5, 8) the king's *mundbyrd* or protection is valued at fifty shillings, the eorl's

or noble's at twelve (§ 13, 14, compared with § 10, 15, 16, 17), and the ceorl's or simple freeman's at six (§ 15, 25, 88). Thus the three classes stand in the relation of fifty, twelve and six; or taking the ceorl as unity, their respective values are $8\frac{1}{3}$, 2 and 1: that is,

Ceorl : eorl :: 1 : 2.
Ceorl : king :: 1 : $8\frac{1}{3}$.
Eorl : king :: 1 : $4\frac{1}{6}$.

Now the *medume leódgeld* of the ceorl is stated to be one hundred shillings (§ 7), and if Grimm and Thorpe were right in translating this the *half* wergyld, we should have the very improbable sums of 200, 400 and $1666\frac{2}{3}$ Kentish shillings. *Meduma* however does not signify *half*, but *middling, moderate*: the enactment in Æðelberht's law amounts in fact to this: If a man slay another, he is to pay his wergyld; but not so, if the slayer happen to be the king's armourer or messenger; in that case he is to pay only a moderated wergyld of one hundred shillings. It was an exemption in favour of two most important officers of the royal household; and shows partly the growing encroachment of prerogative, partly the value set upon the talents of the officers themselves[1]. The common wergyld then was above one hundred, and I think it can be shown that it was below two hundred, shillings. The case of a wergyld paid for a king,

[1] The royal messengers were often of the highest rank. The heroic character of the weapon-smith or armourer appears throughout the traditions of the North, and indeed in the epic poetry of all nations.

though rare, is by no means unexampled[1]. In the year 687, Múl Æðelweard, a scion of the royall race of Wessex, invaded Kent, and having incautiously suffered himself to be surprised by the country-people, was burnt to death in a house where he had taken refuge with a few comrades. Seven years later the men of Kent made compensation to Ini for Múl's death. The sum given is very variously stated. William of Malmsbury says it was thirty thousand mancuses[2]; which, calculated at eight mancuses to the pound, would be three thousand, seven hundred and fifty pounds, and this is the sum mentioned by Florence of Worcester[3]. Æðelweard, the oldest Latin chronicler, but still removed four centuries from the time, makes it amount to thirty thousand solidi or shillings, each of which is to be calculated at sixteen pence[4]. Some manuscripts of the Saxon Chronicle read thirty thousand pounds[5], "þrittig þusend punda,"—others,

[1] In the year 679 a battle was fought between Ecgfrið of Northumberland and Æðilræd of Mercia. "Anno regis Ecgfridi nono, conserto gravi praelio inter ipsum et Aedilredum regem Merciorum, iuxta fluvium Trenantа, occisus est Aelfuini, frater regis Ecgfridi, iuvenis circiter decem et octo annorum, utrique provinciae multum amabilis. Nam et sororem eius quae dicebatur Osðryd, rex Aedilred habebat uxorem. Cumque materies belli acrioris et inimicitiae longioris inter reges, populosque feroces videretur exorta, Theodorus, deo dilectus antistes, divino functus auxilio, salutifera exhortatione coeptum tanti periculi funditus exstinguit incendium: adeo ut pacatis alterutrum regibus ac populis, *nullius anima hominis pro interfecto regis fratre, sed debita solummodo multa pecuniae regi ultori daretur.* Cuius foedera pacis multo exinde tempore inter eosdem reges eorumque regna durarunt. In praefato autem praelio, quo occisus est *Rex* Aelfuini," etc. Bed. H. Eccl. iv. 21, 22.

[2] Gul. Meld. Gest. Reg. lib. i.

[3] Flor. Wigorn. an. 694.

[4] Æðelw. Chron. ii. cap. 10.

[5] Chron. Saxon. an. 694.

thirty pounds, "þrittig punda." Now however contradictory all these statements may at first sight appear (and there can be no doubt that some of them are ridiculously exaggerated), it is not impossible to reconcile and explain them. Every one of the authorities I have cited, except Florence, who has evidently calculated his sum upon what he believed to be the value of the mancus, reads thirty thousand of some coin or other. One will have them pounds, another shillings, another mancuses, etc. Now they are all wrong in their denomination, and all equally right in their number; and for this very obvious reason,—the originals from which they derived their information did mention the number, and did not mention the denomination. Each author put the question to himself, "Thirty thousand *what?*" and answered it by supplying the supposed omission with the coin most familiar to himself. But there cannot be the least doubt that the Saxon original read þrittig þusenda, thirty thousand, and nothing else; and this is not only actually the reading of some MSS. of the Chronicle, but most likely the cause of the error which lies in the other copies, incautious transcribers having been misled by the resemblance between the Saxon þ and *p*, and mistaken the contraction þrittig þūnda for þrittig punda, thirty pounds. It is the custom of the Anglo-saxon tongue, in describing measures of land or sums of money, to use the numerals only, leaving the commonest units to be supplied by the reader. Thus if land were intended, thirty thousand would denote that number of *hides*; and where money is

intended, at least in Kent, thirty thousand *scæts*[1]. This then I believe to have been the sum paid to Ini, and the regular personal wergyld of a Kentish king. Let us now apply this sum to elucidate the value of the other Kentish wergylds. From a comparison of the compensation appointed for injuries done to the nails of the fingers and toes, Mr. Thorpe, the late Mr. Allen, and I concluded that the value of a Kentish shilling was twenty scæts. But thirty thousand scæts would be fifteen hundred such shillings, and assuming this to be the royal wergyld, we shall find the eorl's to be 360, the ceorl's 180 shillings, which amounts are exactly thirty times the value of the several mundbyrds[2]. In the first volume of Mr. Thorpe's Anglosaxon Laws, at p. 186, there is a document which professes to give the values of different classes in Northumberland. Its date is uncertain, though it appears to have been generally assigned to the commencement of the tenth century. I confess that I can hardly reconcile myself to so early a date, and think it altogether a suspicious authority. It tells us as follows:

"1. The Northpeople's royal gyld is thirty thousand *thrymsas*; fifteen thousand thrymsas are for the wergyld, and fifteen thousand for the royal dig-

[1] Conf. Ll. Hloðh. § 10. Æðelr. § 7. Ælfred's Beda, iii. 5. So, án fiftig, *one fifty*, means fifty *psalms* to be sung or said. Æðelst. iv. § 3. v. 8. § 6. No one mistakes the meaning of *five hundred, five thousand a year.*

[2] 1500 Kentish shillings, which are equivalent to rather more than 7800 Saxon shillings, were a sufficient sum, at a period when an ewe with her lamb was worth only one Saxon shilling. Ll. Ini, § 55.

nity. The *wer* belongs to the kindred; the *cynebót* to the people.

"2. An archbishop's and an æðeling's wergyld is fifteen thousand thrymsas.

"3. A bishop's and an ealdorman's, eight thousand thrymsas.

"4. A hold's and a king's high reeve's, four thousand thrymsas.

"5. A mass thane's and a secular thane's, two thousand thrymsas.

"6. A ceorl's wergyld is two hundred and sixty-six thrymsas, that is two hundred shillings by Mercian law.

"7. And if a Welshman thrive so well that he have a hide of land, and can bring forth the king's tax, then is his wergyld one hundred and twenty shillings; and if he thrive not save to half a hide, then let his wer be eighty shillings.

"8. And if he have not any land, but yet is free, let him be paid for with seventy shillings.

"9. And if a ceorlish man thrive so well that he have five hides of land for the king's *útware*, and any one slay him, let him be paid for with two thousand thrymsas.

"10. And though he thrive so that he have a helm and coat-of-mail, and a sword ornamented with gold, if he have not that land, he is notwithstanding a ceorl.

"11. And if his son and his son's son so thrive that they have so much land after him, the offspring shall be of gesíðcund [noble] race at two thousand.

"12. And if they have not that, nor to that amount can thrive, let them be paid for as ceorlish."

Another, and perhaps more trustworthy document, printed at p. 190 of the same volume, gives us the following values as current in Mercia.

"A ceorl's wergyld is by Mercian law, two hundred shillings. A thane's wergyld is six times as much, that is, twelve hundred shillings. Then is a king's simple wergyld, six thanes' wer by Mercian law, that is thirty thousand sceats and that is altogether one hundred and twenty pounds. So much is the wergyld in the folkright by Mercian law. And for the royal dignity such another sum is due, as compensation for cynegyld. The *wer* belongs to the kindred, the cynebót to the people."

A passage already cited in this chapter gives the wergylds of the freeman and noble in Wessex as respectively two hundred and twelve hundred scillingas, whence those classes are called twýhynde and twelfhynde: these denominations correspond to the old and usual ceorl and eorl; and as the original expression for all classes of society was, *be it churl, be it earl*, Cnut could use as perfectly equivalent, *be it twýhynde, be it twelfhynde*[1]. But in Wessex a third class is mentioned, whose wergyld was half that of the twelfhynde, and three times that of the ceorl: they are called sixhynde, men of six hundred. It is difficult to say whether

[1] "Swá các we settað be eallum hádum ge ceorle ge eorle." Ælf. § 4. "Cnut cing grét .... ealle mínc þegnas twelfhynde and twýhynde freóndlíce." Cod. Dipl. No. 731.

they are the original nobles, three times as valuable as the freeman, and whether the twelfhynde are an exclusive class of magnates, raised above them during the progressive development of the royal power; or whether on the contrary, the twelfhynde and twýhynde are the original divisions, and the sixhynde a middle class of ministerials, which sprang up when ceorls had entered the service of the crown, and thus became raised above their fellow freemen. I incline to the latter opinion, partly from the apparent absence of this sixhynde class in Mercia, partly from the apposition noticed above, and the omission of the sixhynde altogether from the passage in Eádweard's law, which regulates the payments for the other two classes. There is no statement of a royal wergyld in Wessex, but from what has been said of the composition made for Múl, it may be inferred that it was thirty thousand sceattas or 120 pounds, like that of Mercia. The total inconsistency of these several values will be apparent if we arrange them tabularly:

	Northumb.	Mercia.	Wessex.	Kent.
	þrymsas.	Scil.	Scil.	Scil.
King	15000	7200	7200	1500
	+15000	+7200	+7200	+1500
Archbishop	15000			
Æðeling	15000			
Bishop	8000	1200	1200	360
Ealdormon	8000	1200	1200	360
Hold	4000	.....	600	
Heáhgeréfa	4000	.....	600	
Priest	2000	.....	600	
þegen	2000	.....	600	
Freeman	266	200	200	180

If these data be accurate, we must conclude that

the ratio of the king and noble to the ceorl in the different states varied as follows:

North. . king : ceorl : : 113 : 1 nearly.
Merc. . . king : ceorl : : 72 : 1.
Wessex. king : ceorl : : 72 : 1.
Kent. . . king : ceorl : : $17\frac{2}{9}$: 1.
North. . noble, 1st class : ceorl : : 56 : 1 nearly.
2nd class : ceorl : : $30\frac{1}{2}$: 1 nearly.
3rd class : ceorl : : $15\frac{1}{4}$: 1 nearly.
4th class : ceorl : : $7\frac{1}{2}$: 1 nearly.
Merc. . . noble : ceorl : : 6 : 1.
Wessex. noble, 1st class : ceorl : : 6 : 1.
2nd class : ceorl : : 3 : 1.
Kent. . . noble : ceorl : : 2 : 1.

Now this variety, which is totally irrespective of the real value of the þryms and the shilling, seems to involve this part of the subject in impenetrable darkness. All that we can permit ourselves to guess is, that circumstances had in process of time altered the original relations between the classes, but in different ratios in the different kingdoms. This however is not all the difficulty: we have to contend with the complication arising from the fact, that the scilling, the currency in which all the southern calculations are nominally made, really differed in value in the several states: and thus when we attempt to compare one freeman with another, we find their respective prices to be in Mercia $833\frac{1}{3}$ sceats, in Kent 3600.

However the details were arranged, the principle itself is clear enough, and we must now be content

to remain in ignorance of the means adopted to reconcile conflicting interests measured by a standard so imperfect.

But the wergyld or price of the whole man was not all that the law professed to regulate. When once the principle had been admitted, that this might be fixed at a certain sum, it was an easy corollary not only that the sum in question should limit the amount of responsibility to the State[1] but that a tariff for all injuries should be settled. In the laws of Æðelberht and Ælfred we find very detailed assessments of the damage which could be done to a man by injuries, either of his person, his property, or his honour: many of these are amusing and strange enough, and highly indicative of the rude state of society for which they were adapted. But it seems unnecessary to pursue the details they deal with: they may serve to turn a period about Teutonic barbarism, or to point a moral about human fallibility; but the circumstances under which they were rational and convenient arrangements have passed away, and they are now of little interest as historical records, and of none with a view to future utility.

[1] Capital punishments are necessarily rare in early periods. Tacitus limits those of the Germans to cases of high-treason or effeminacy, two crimes which strike at the root of all society. Hence the highest punishment is payment of the wergyld: a capital thief is wergyld-þeóf. If he cannot or will not pay, he is outlawed, that is excluded from the benefits of the mutual guarantee among free men: he may be slain as a common enemy, *iure belli*, or reduced to slavery, which is the more usual result.

CHAPTER XI.

FOLCLAND. BO'CLAND. LÆ'NLAND.

It was a wise insight into the accidents of increasing population which limited the amount of the original éðel, or allodial estate. By leaving, as it were, a large fund to be drawn upon, as occasion might serve, the principle, that every freeman must be settled on land, was maintained, without condemning society to a stationary condition, as to numbers. The land thus left, of which the usufruct, under certain conditions, was enjoyed by the freemen, was called Folcland, *terra publica*, *ager publicus*. It was distinguished from the éðel by not becoming absolute property in the hands of individuals, consequently by not being hereditary. The *dominium utile* might be granted; the *dominium directum* remained in the state, which was a perpetual feoffee for certain trusts and uses. And hence folcland was subject to rents of divers kinds, and reversion. The folcland could also be applied to reward great public services, in which case estates of alod, or éðel, were carved out of it, and presented to him whom the community desired to honour[1]. The service which Wulf and Eofer did

[1] The τέμενος, or cut-off portion, *entail*, which service might earn among the Greeks, is of the same character. According to tradition,

by slaying Ongenðeów was rewarded with a grant of land and rings[1]. The clearest view of the nature and object of folcland is given us by Beda, who complains that it is diverted from its proper purpose,—which is, to be granted as a support to those whose arms would defend the country,—under pretence of erecting monasteries, which are a disgrace to their profession. The following are his extremely important words:

"And since there are both very numerous and very extensive tracts, which, to adopt the common saying, are of use neither to God nor man,—seeing indeed that in them there is neither maintained a regular life according to God's law, nor are they possessed by the soldiers or comites of secular persons, who might defend our race from the barbarians,—if any one, to meet the want of our time, should establish an episcopal see in those places, he will be proved not to incur the

Pittacus was thus rewarded by the people of Mitylene, after overcoming Phrynon, the Athenian champion, in single combat: *τῶν δὲ Μιτυληναίων δωρεὰς αὐτῷ μεγάλας διδόντων, ἀκοντίσας τὸ δόρυ, τοῦτο μόνον τὸ χωρίον ἠξιώσεν, ὅσον ἐπέσχεν ἡ αἰχμή· καὶ καλεῖται μέχρι νῦν Πιττάκιον.* Plut. de Malign. Herod. c. xv. The reward allotted to Horatius in the Roman Ager ought now to be familiar to every one:

"They gave him of the corn-land
That was of public right,
As much as two strong oxen
Could plough from morn till night!"

[1] "Geald ðone gúðræs
Geáta dryhten....
ofer máðmum sealde
heora gehwæðrum
hund þusenda
landes and locenra beága."
Beów. l. 5977.

guilt of prevarication, but rather to perform an act of virtue[1]."

And again, he continues:

"By which example it behoves also your Holiness, in conjunction with our religious king, to abrogate the irreligious deeds and writings of our predecessors, and to provide for the general advantage of our kingdom, either in reference to God, or to the world: lest in our days, either through the cessation of religion, the love and fear of an inspector at home should be abandoned; or, on the other hand, the supply of our secular militia decreasing, we should not have those who might defend our boundaries from the incursions of barbarians. For, what is disgraceful to say, persons who have not the least claim to the monastic character, as you yourself best know, have got so many of these spots into their power, under the name of monasteries, that there is really now no place at all where the sons of nobles or veteran soldiers can receive a grant[2]. And thus, idle and unmarried, being grown up to manhood, they live on in no profession of chastity; and on this account, they either cross the sea and desert the country which they ought to serve with their arms; or, what is even more criminal and shameless, having no profession

[1] Bed. Epist. ad Ecgbirhtum Archiepiscopum, § 11. (Opera Min. ii. 216.)

[2] We know that these grants were regulated by the rank and condition of the grantee. Beda, speaking of Benedict Biscop, a young Northumbrian nobleman, says, "Cum esset minister Oswii regis, et possessionem terrae suo gradui competentem, illo donante perciperet," etc. Vit. Sci. Bened. § 1. (Op. Min. ii. 140.)

of chastity, they give themselves up to luxury and fornication, and abstain not even from the virgins consecrated to God[1]."

The evils of a course which, by preventing the possibility of marriage, tends to the general neglect of morality, are as obvious in this state of society, as in those where the indefinite partition of estates reduces all the members of the higher classes to a state of poverty,—a fact perfectly familiar in countries where the resources of trade are not permitted to mitigate the mischief of subdivision.

The folcland then in England was the national stock. It is probable that the same thing occurred in other Teutonic states, and that the folcland there also formed a reserve from which endowments of individuals, homeborn or foreign, and of religious houses, were made. Thus, "Princeps de eius recuperatione simul et postulatione multum gavisus, et suum ad hoc consensum et parentum adeptus est favorem; deditque illi in eisdem partibus, multas possessiones *de publico*, quatinus viciniori potentia soceris acceptior factus, non minori apud illos, quam in genitali solo praecelleret dignitate[2]."

We cannot now tell the exact terms upon which the usufruct of the folcland was permitted to individual holders. Much of it was probably distributed in severalty, to be enjoyed by the grantee during his life, and then to revert to the donor the State. As the holders of such lands were most probably not included in the Marks, like the owners

[1] Epist. § 11. (Op. Min. ii. 217, 218.)
[2] Vit. S. Idae, Pertz, ii. 571.

of allodial property, they may have formed the proper basis of the original gyldscipas, and have been more immediately subject to the jurisdiction of the scírgemót; for it is impossible to believe that their condition was one of such perfect freedom as that of the original allodial owners.

A portion also of the folcland may long have subsisted as common land, subject to the general rights of all[1]. In this respect it must have resembled the public land of the Romans. Only that, the true Roman burghers or Patricians, being comparatively few, while the other claimants were many, and self-defence therefore commanded the utmost caution in admitting them to isotely,—the struggles between the Patrician and Plebeian orders necessarily assumed in Rome a character of exasperation and hostility which was wanting in England. But it does not appear that in this country, the tribes of the Gewissas could have made any claim to the folcland of the Mercians, or that those of the Welsh would have found favour with any Saxon community.

In whatever form the usufruct may have been granted, it was accompanied by various settled burthens. In the first place were the inevitable charges from which no land was ever relieved; namely military service, alluded to by Beda, and no doubt in early times performed in person: the

[1] This seems the readiest way of accounting for the right of common enjoyed by the king, ealdorman and gerefa, in nearly every part of England; which right they could alienate to others. For the king's common of pasture, etc. see Cod. Dipl. Nos. 86, 119, 276, 288, etc.

repair of roads, bridges and fortifications. But besides these, there were dues payable to the king, and the geréfa; watch and ward on various occasions; aid in the royal hunting; convoy of messengers going and coming on the public service, from one royal vill to another; harbouring of the king, his messengers and huntsmen; lastly provision for his hawks, hounds and horses. In addition to these, there were heavy payments in kind, which were to be delivered at the royal vills, to each of which, various districts were apparently made appurtenant, for this purpose; and on which stores, so duly delivered, the king and his household in some degree depended for subsistence. These were comprised under the name Cyninges-feorm, or *Firma regis.*

It is from the occasional exemptions granted by the authority of the kîng and his witan, that we learn what burthens the folcland was subject to: it may therefore be advantageous to cite a few examples, which will make the details clear.

Between 791 and 796, eighty hides of land at Westbury and Hanbury were relieved by Offa from the dues to kings, dukes and their subordinates; except these payments, that is to say, the *gafol* at Westbury (sixty hides), two tuns full of bright ale, and a comb full of smooth ale, and a comb full of Welsh ale, and seven oxen, and six wethers, and forty cheeses, and six langðero (?), and thirty ambers of rough corn, and four ambers of meal, to the royal vill[1].

[1] Cod. Dipl. No. 166. Here, by the way, the comb is used as a liquid measure; very probably of thirty-two gallons, the amount of the

In 863, an estate at Marsham was to pay by the year, twenty staters of cheese, forty lambs, forty fleeces, and two days' *pastus*[1] or feorm, which last might be commuted for thirty silver shillings (*argentea*)[2].

In 877, Bishop Tunberht, with the consent of his chapter, appropriated lands at Nursling to the use of the refectory. His charter says he grants it, "liberam ab omnibus terrenis difficultatibus omnium gravitudinum, sive a pastu regis, principis, exactoris; et ab omni aedificiorum opere, tributo, a paraveredis, a taxationibus quod dicimus wíterædene; omnium rerum saecularium perpetualiter libera sit, excepta expeditione et pontis aedificatione[3]." As he could not do this by his own authority, he probably only means to record that they had been so freed by the Witena-gemót.

In 883, twenty years later, a monastery is freed from all which the monks were still bound to pay to the king's hand, as cyningfeorm, both in bright ale, beer, honey, oxen, swine and sheep, in short from all the *gafol*, much or little, known or unknown, that belongs to the lord of the nation[4].

The dues from the monastery at Taunton were as follows: a feorm of one night for the king, and

old barrel of ale, (the present barrel is thirty-six gallons). So to this day the hogshead is sixty-four gallons or twice thirty-two, the comb; as the quarter is sixty-four gallons, or two combs of dry measure. Even now in some parts of Surrey and Sussex, the peasants use peck for two gallons of liquid measure: I have heard them speak of a peck, and even half a bushel, of gin, brandy, beer, etc.

[1] The *pastus regis* is the *gite du roi* well known in French history.

[2] Cod. Dipl. No. 288, see also No. 281.

[3] Cod. Dipl. No. 1063.

[4] Ibid. No. 313.

eight dogs and one dog-keeper; and nine nights' keep for the king's falconers; and carriage with waggons and horses for whatever he would have taken to Curry or Wilton. And if strangers came from other parts, they were to have guidance to the nearest royal vill upon their road[1].

The payments reserved upon twenty hides at Titchbourn, which Eádweard in 901–909 granted to Denewulf of Winchester for three lives, were probably the old royal gafol: they were now transferred to the church as *double-commons* for founder's day. They amounted to, twelve sexters of beer, twelve of sweetened Welsh ale, twenty ambers of bright ale, two hundred large and one hundred small loaves, two oxen fresh or salted, six wethers, four swine, four flitches, and twenty cheeses; but if the day of payment should fall in Lent, an equivalent of fish might be paid instead of flesh[2].

"Insuper etiam, hanc praedictam terram liberabo ab omni servitute saecularium rerum, a pastu regis, episcopi, praefectorum, exactorum, ducum, canum, vel equorum seu accipitrum; ab refectione et habitu illorum omnium qui dicuntur Fæstingmen," etc.[3]

"Sint liberati a pastu principum, et a difficultate illa quod nos Saxonice dicimus Festingmen; nec homines illuc mittant qui accipitros vel falcones portant, aut canes aut caballos ducunt; sed sint liberati perpetualiter in ævum[4]."

"Ab opere regali et pastu regis et principis, vel iuniorum eorum; ab hospitorum refectione vel vena-

[1] Cod. Dipl. No. 1084, an. 904.
[2] Ibid. No. 1088.
[3] Ibid. No. 216, an. 822.
[4] Ibid. No. 257, an. 844.

torum; etiam equorum regis, falconum et ancipitrum, et puerorum qui ducunt canes[1]."

"Ut sit liberatum et absolutum illud monasterium ab illis causis quas Cumfeorme et Eafor vocitemus; tum a pastu accipitrorum meorum, quam etiam venatorum omnium, vel a pastu equorum meorum omnium, sive ministrorum eorum. Quid plura, ab omni illa incommoditate Æfres et Cumfeorme, nisi istis causis quas hic nominamus: praecones si trans mare venirent ad regem venturi, vel nuncii de gente Occidentalium Saxonum vel de gente Northanhymbrorum, si venirent ad horam tertiam diei vel ad medium diem, dabitur illis prandium; si venirent super nonam horam, tunc dabitur eis noctis pastum, et iterum de mane pergent in viam suam[2]."

"Et illam terram iii manentium in Beonetlege, in occidentale plaga Saebrine etiam liberabo a pascua porcorum re[g]is, quod nominamus Fearnleswe[3]."

"Liberabo illud a pastu et ab refectione omnium ancipitrum et falconum in terra Mercensium, et omnium venatorum regis vel principis, nisi ipsorum tantum qui in provincia Hwicciorum sunt; etiam similiter et a pastu et refectione illorum hominum quos Saxonice nominamus Wælhfæreld, ȝ heora fæsting, ȝ ealra Angelcynnes monna, ȝ ælþeódigra rædefæstinge, tam nobilium quam ignobilium[4]."

In 875, Ceólwulf, the intrusive king of Mercia,

[1] Cod. Dipl. No. 258, an. 845.
[2] Ibid. No. 261, an. 848.
[3] Ibid. No. 277, an. 855.
[4] Ibid. No. 278, an. 855.

freed all the bishopric of Worcester, "tota parochia Hwicciorum,"—in other words all the churches belonging to it,—from the "pastus equorum regis," and their keepers[1].

Many of the instances we meet with, both in England and upon the Continent, are those of churches or monasteries: this is natural, inasmuch as the clergy were most likely to obtain and record these exemptions. But how, it may be asked, did it happen that such exemptions were necessary? It seems to me that, when Christianity was introduced, and folcland was granted for the erection or the endowment of a church, the burthens were not always discharged; and that the piety of later times was occasionally appealed to, to remedy the carelessness or alter the policy of early founders.

Folcland may be considered the original and general name of all estates save the hlot, *sors* or alód of the first markmen: the whole country was divided into Folclands, containing one or more hides, subject to folcriht or the public law,—and hence having no privilege or immunity of any sort; in many instances where Beda uses *terra unius tributarii*, *terra familiae unius*, and similar expressions, he can only mean to denote separate and distinct portions of folcland, and the words of Ælfred's translation imply the same thing.

The power of disposal over this land lay in the nation itself, or the state; that is, in the king and his witan; but in what way, or by what ceremonies,

[1] Cod. Dipl. No. 306, an. 875.

it was conferred, we no longer know. Still there is great probability that it was done by some of those well-known symbols, which survived both at home and abroad in the familiar forms of livery of seisin,—by the straw, the rod or yard, the *cespes viridis* and the like[1]. We may however distinctly assert that it was not given by book or charter, inasmuch as this form was reserved to pass estates under very different circumstances.

The very fact that folcland was not the object of a charter causes our information respecting it to be meagre: it is merely incidentally and fortuitously that it is mentioned in those documents from which we derive so much valuable insight into the antiquities of Saxon England. But even from them we may infer that it was not hereditary.

Towards the end of the ninth century, Ælfred, who appears to have been ealdorman or duke of Surrey, devised his lands by will. He left almost all his property to his daughter; and to his son Æðelwald (perhaps an illegitimate child,) he gave only three hides of hereditary land, bócland, expressing however his hope that the king would permit his son to hold the folcland he himself had held. But as this was uncertain, in order to meet the case of a disappointment, he directed that if the king refused this, his daughter should choose

[1] Perhaps in a case of this sort, even Ingulf may be trusted: he tells us, with some reference however to the Norman forms of livery, with which he was familiar, "Conferebantur etiam primo multa praedia nudo verbo, absque scripto vel charta, tantum cum domini gladio, vel galea, vel cornu, vel cratera; et plurima tenementa cum calcari, cum strigili, cum arcu, et nonnulla cum sagitta." Hist. Croyl. p. 70.

which she would give her brother, of two hereditary estates which he had devised to her[1].

Again, shortly before the Conquest, we find Abbot Wulfwold thus informing Gisa bishop of Wells, Ægelnoð the abbot, Tofig the sheriff, and all the thanes in Somerset[2]:

"Eádweard the king, my lord, gave me the land at Corfestige which my father held, and the four farms at Æscwíc, and the fields of meadow-land thereunto belonging, and in wood and field so much that I had pasture for my cattle and the cattle of my men; and all as free in every respect as the king's own demesne, to give or sell, during my day or after my day, to whomsoever it best pleases me."

In both these cases it is clear that the land was holden as a benefice; that the tenant had only a life interest, which Wulfwold however succeeded in converting into a *fee*.

As the State were the grantors, so also there appears to have been no restriction as to the persons of the grantees. Of course this does not include serfs, or others below the degree of freemen; although an emancipated serf may sometimes have been provided with an estate of folcland, by general donation. But there is no reason to doubt that every other class might obtain grants of folcland. Those of a duke and of various bishops have been mentioned; Wulfwold's father was probably, at least a thane. But even the king himself could and did

[1] Cod. Dipl. No. 317.

[2] Members of the scírgemót or county-court: hence the instrument is of a solemn and legal description. Cod. Dipl. No. 821.

hold land of this description. The boundary of an estate is said to run to the king's folcland; "ab occidente Cyninges folcland quod habet Wighelm et Wulfláf[1]."

At a very early period however it became a practice to carve hereditary estates out of the folcland, which thus became the private property of the individual, and could by him be given, sold, or devised at his pleasure; by which the reversion to the state was defeated, and the common stock insofar diminished. It was also usual to release such land from all the dues which had previously been rendered from it, and to make it absolutely free[2], with the exception of the three services which were inevitably incident to all landed possession, and which are consequently known by the names of *Communis labor*, *Generalis incommoditas*, *Onus inevitabile*, *Trinoda necessitas*, and similar expressions. These estates were always granted by book or charter, and hence bore the name of bócland: and it is questionable whether the two descriptions did not, at a very early period, comprise all the land in England, as the families of the first allodial possessors died out, and their possessions either reverted to the state, or became alienated under circumstances which included them in the category of bócland.

We learn that the pretext upon which these con-

[1] Cod. Dipl. No. 281.

[2] Hence a free hide, *hida libera*, is properly called "án hiwisc ægefæles landes," a hide of land that pays no gafol or tax. Cod. Dipl. No. 1070.

versions of folcland into bócland were made at first, was the erection and endowment of a religious house upon the land, by the grantee; and we also learn that sometimes the conversion was made, the thane presented with the estate, but the church or monastery not constructed. Soon after the introduction of Christianity into Northumberland, it appears indeed to have been customary to grant much greater privileges and immunities to church-lands than were found advisable at a later period, or than seem to have been permitted in the provinces south of the Humber. It stands to reason that there could be no reversion in lands granted to a corporation: hence folcland which had been presented to a church assumed what may be called a hereditary character[1], and could only lapse by total destruction of the particular body,—a circumstance which could obviously never be contemplated, but which did actually occur during the civil wars, internal dissensions and foreign invasions, which gradually changed the face of the whole country[2]. But the lands which the Northumbrian princes devoted to pious purposes, were most likely relieved from all burthens whatsoever: we have conclusive evidence that even military service was excused in that district before the time of Beda. In all probability,

[1] Land is sometimes called Bishop-land, which I imagine to be the legal designation of this particular estate.

[2] This was the case with Peterborough, Ely and other ancient foundations restored in the time of Eádgar. He himself says of Ely: "Nú wæs se hálga stede yfele forlæten mid læssan þeówdóme ðonne ús gelícode nú on úrum timan, and eác wæs gehwyrfed ðám cyninge tó handa, ic cweðe be me silfum." Cod. Dip. No. 563.

it was not suspected how much the defences of the country might become impaired by grants of the kind. The passages already cited from Beda's epistle to Ecgberht may be adduced in corroboration of these assertions, but we have more direct evidence in his history[1]. Oswiú on his conversion placed his daughter Eánflæd in the convent presided over by Hild, and with her he gave twelve estates, "possessiunculae terrarum," most likely folcland, each estate comprising ten hides; in which, Beda continues, "Ablato studio militiae terrestris, ad exercendam militiam coelestem locus facultasque suppeteret,"—or as the Saxon translator expresses it, "Those twelve bóclands he freed from earthly warfare and earthly service, to be employed in heavenly warfare." It is very clear that the duties of military service were removed in this case, and that religious warfare was to be the destination of those that held the lands. Similarly when Benedict Biscop decided upon devoting himself to a monastic life, he surrendered his lands to the king[2]. These must obviously have been folcland, the retaining of which he considered impossible, under the circumstances; and which, not being his own, he could not take with him into a monastery: "despexit militiam cum corruptibili donativo terrestrem, ut vero regi militaret;" and these words of Beda clearly show how we are to understand what he says of Oswiú's grant to Whitby.

[1] Hist. Eccl. iii. 24.

[2] Bed. Vit. Sci. Bened. § 1. (Op. Minor. ii. 140.)

The gaining of a hereditary character for lands, and especially the relief from heavy dues, were advantages which might speedily arouse the avarice and stimulate the invention even of barbarians. Accordingly those who could gain access to the ear of the king and his witan, bought, or begged or extorted grants of privileged land, which they either converted entirely into private estates, or upon which they erected monasteries, nominally such: and over these, which they filled with irregular and often profligate monks, they assumed the jurisdiction of abbots; with such little advantage to the service of religion, that we have seen Beda describe them as a public scandal, and recommend even the desperate remedy of cancelling, by royal and episcopal authority, the *privilegia* or charters on which their immunities reposed.

To the growing prevalence of this fraud we probably owe it that, at least in Wessex, the custom arose of confiscating land on which the conditions of the grant had not been fulfilled. Thus Ini called in the lands which Cissa had granted to Hean the abbot and Cille the abbess, his sister, because no religious buildings had been erected thereon: "Sed Ini rex eandem terram, postea dum regno potiretur, *diripiens ac reipublicae restituit*, nondum constructo monasterio in ea, nec ullo admodum oratorio erecto[1];" that is, as I understand it, folcland they had been, and folcland they again became. But even this did not meet all the exigencies of the case,

[1] Cod. Dipl. No. 46.

and it therefore probably became necessary, even in bócland granted to the church, to reserve the military and other services, which the clergy could cause to be performed by their own dependent cultivators or tenants, even if they were not compelled to serve themselves,—a point which is by no means clear[1].

A majority of the documents contained in the Codex Diplomaticus Ævi Saxonici are conversions of folcland into bócland, or confirmations of such conversions. They almost universally contain a clause declaring or *proclaiming*—such is the technical word for this important public act, by which prince and king, ealdorman and sheriff, were at once made strangers to the land—the estate free from every burthen save the inevitable three; a clause giving the fullest hereditary possession, and the power to dispose of it by will at the testator's pleasure; and finally a clause stating that this is done by the authority of the king, with the advice, consent and license of his Witan or counsellors. They remain therefore to the last important public acts, and are, I believe universally, to be considered acts of the assembled Witena-gemót or great council of the nation[2]. And as by their authority folcland could be converted into bócland, so it appears could the reverse take place; and a change in the nature of two estates is recorded[3], where the king

[1] "Quam videlicet terram Alhmundus abbas, expeditionem subterfugiens, mihi reconciliationis gratia dabat." Cod. Dipl. No. 161.

[2] See hereafter the chapter which treats of the Witan and their powers. Book ii. ch. 6.

[3] Cod. Dipl. No. 281.

gave five ploughlands of folcland for five of bócland, and then made the folcland bócland, the bócland folcland.

In this general spoliation it is to be supposed that the kings would not omit to share: accordingly we find them causing estates to be booked to them by their witan; which estates, when thus become their private and heritable property, they devise and deal with at their pleasure: and indeed, as the king's consent was necessary to all such conversions, he was much better able to obtain that of his witan in his own case, than bishops, thanes or others were in their cases: these generally found themselves compelled to pay handsomely for the favour they required. With respect to ecclesiastical lands, we frequently find a loss of very large estates submitted to, in order to secure freedom to what remained. There are also a few instances in which lands having descended, encumbered with payments, the owners engage some powerful noble or ecclesiastic to obtain their freedom,—that is, to persuade the witan into abolishing the charges. The gratuity offered to the member whose influence was to carry these ancient private acts of parliament, is often very considerable. Towards the closing period of the Anglosaxon polity, I should imagine that nearly every acre of land in England had become bócland; and that as, in consequence of this, there was no more room for the expansion of a free population, the condition of the freemen became depressed, while the estates of the lords increased in number and extent. In this way the ceorlas or free

cultivators gradually vanished, yielding to the ever growing force of the noble class, accepting a dependent position upon their bócland, and standing to right in their courts, instead of their own old county gemótas; while the lords themselves ran riot, dealt with their once free neighbours at their own discretion, and filled the land with civil dissensions which not even the terrors of foreign invasion could still. Nothing can be more clear than that the universal breaking up of society in the time of Æðelred had its source in the ruin of the old free organization of the country. The successes of Swegen and Cnut, and even of William the Norman, had much deeper causes than the mere gain or loss of one or more battles. A nation never falls till "the citadel of its moral being" has been betrayed and become untenable. Northern invasions will not account for the state of brigandage which Æðelred and his Witan deplore in so many of their laws. The ruin of the free cultivators and the overgrowth of the lords are much more likely causes. At the same time it is even conceivable that, but for the invasions of the ninth and tenth centuries, the result which I have described might have come upon us more suddenly. The sword and the torch, plague, pestilence and famine are very effectual checks to the growth of population, and sufficient for a long time to adjust the balance between the land and those it has to feed.

An estate of bócland might be subject to conditions. It was perhaps not always easy to obtain from the Witan all that avarice desired: accordingly

we sometimes find limitations in grants, to a certain number of lives with remainders and reversions. And it was both law and custom not only that the first acquirer might impose what conditions he pleased upon the descent of the estate, but that to all time his expressed will in that respect should bind those who derived their title from him[1]. Ælfred requires his Witan, who are the guarantees and administrators of his will, to see that he has not violated the disposition of his ancestors by leaving lands to women which had been entailed on the male line, and *vice versâ*[2]; and we have cases of grants solemnly avoided for like want of conformity. More questionable in point of principle is the right attempted to be set up by some of these purchasers, to bar escheat and forfeiture of the land upon felony of their heirs or devisees.

It is to be presumed that a tenant of folcland was permitted to let the same,—upon condition no doubt that he conveyed no estate superior to his own. The holders must have been allowed to place poor settlers upon their estates, whose rents and services, in labour and kind, would be important to their own subsistence. Of course in bócland no limitation could be thought of; it was the absolute, inheritable property of the purchaser, and he could in general dispose of it as freely as if it were alod itself. But there seems no reason to doubt that much the same course was adopted in both descrip-

[1] Ll. Ælfr. § 41. [2] Cod. Dipl. No. 314.

tions of estate; the folcland being held beyond question for term of life, at every period of which our history takes cognizance, whatever may have been the case at first. A portion called the inland, or *dominium*, *demesne*, was reserved for the lord's homestead, house and farms, and the dwellings of his serfs, esnes, læts, and other unfree and poor dependents. This was cultivated for him by their industry, and he repaid their services by protection, food, clothing, and small perquisites, all of which now pass under the general name of wages[1]. On the upland and in the forests, sometimes his own, sometimes subject only to his rights of common, they tended his sheep, oxen and steeds at the fold, or his swine in the mast, lying out during the appointed season of the year[2], or within the circuit of his own inclosures they exercised such simple manufactures as the necessities of the household required. The spinner and weaver, the glove- or shoemaker, the smith and carpenter, were all parts of the family. The butter and cheese, bread and bacon, were made at home; the beer was brewed and the honey collected

[1] Wages of course need not comprise money, or be the result of a compact between free parties. We pay a slave wages, though no *penny fee*. It is a different question whether it is advisable that labourers should be slaves: the Anglosaxons had their peculiar views on that subject, which we are not to discuss now.

[2] "Alio quoque tempore, in adolescentia sua, dum adhuc esset in populari vita, quando in montanis iuxta fluvium, quod dicitur Leder, cum aliis pastoribus, pecora domini sui pascebat," etc. Anon. Cuðberht, cap. 8. (Beda, Op. Min. ii. 262.) "Contigit eum remotis in montibus commissorum sibi pecorum agere custodiam." Beda, Cuðb. c. 4. Op. Min. ii. 55. The Hungarian Salas on the Pusta is much the same thing, at the present day.

by the household. The remainder of the land the owner leased on various conditions to men who had no land; demanding in return for that commodity, indispensable in a country which has not yet learnt to manufacture, rents paid in kind, in labour, and even in money. This labour-rent, yet called *robot* in Slavonic countries, as well as the other dues, naturally varied in various districts, partly with the importance of land[1], to the cultivator, and the value of its produce to the owner. And at last political motives may have had some weight, when the number and condition of a man's dependents might affect his own influence and position in the state: but in general we shall be justified in saying that land was very valuable, and the conditions on which it was to be obtained harsh and onerous[2]. Such land, whether in large or in small portions, whether leased on long or short terms, large or small rents, was called by the common name of Lǽn, or loan[3]. It was considered to be lent; and where the lǽn was on folcland, it is ob-

[1] The Rectitudines Singularum Personarum inform us that they were very different in different places, which necessarily would be the case. We can imagine that a butsecarl or fisherman of Kent was not so anxious to have a holding as a peasant in Gloucestershire.

[2] Even in the eighth century Ini found it necessary to enact, that if a man took land on condition of gafol or produce-rent, and his lord endeavoured to raise his rent also to service, he need not abide by the bargain, unless the lord would build him a house: and he was in such a case, not to lose the crop he had prepared. Ini, § 67. Thorpe, i. 146.

[3] The transitory possessions of this life were often so described, in reference to the Almighty: "ðá ǽhta ðe him God álǽned hæfð." Cod. Dipl. No. 699. A lǽn for life, even though guarded by a very detailed bóc or charter, is distinctly called *beneficium* by the grantee, Æðelbald of Wessex. Cod. Dipl. No. 1058.

vious that no certain time could be assigned, and that the after-tenant could have only a tenancy at will. In any case it was reasonable that misconduct in the holder, which would have entailed upon him the forfeiture of his own real property, should not be permitted to interfere with the rights of the reversioner: lænland therefore could not be taken from the owner, for the crime of the tenant. In the year 900 a certain Helmstán was guilty of theft, and the sheriff seized all his chattels to the king: and Ordláf entered upon the land, "because it was his læn that Helmstán sat on: that he could not forfeit[1]." A similar principle prevailed in grants for lives, especially where ecclesiastical corporations were the grantors and reversioners; and which, though to a certain extent they conveyed estates of bócland, gave, strictly speaking, læn or beneficiary tenures[2]. But as the clergy were not always quite sure of meeting with fair treatment, we find them not unfrequently introducing into their instruments a provision that no forfeiture shall be valid against their rights; this, from the great strictness with which the provisions of a book or charter were always construed, and in general from the fear of violating what had been confirmed by the signature of the cross and the threat of eternal punishment, may have had some effect. In such cases it may

[1] Cod. Dipl. No. 328.

[2] Thus Ealhfríð bishop of Winchester (871-877) making a grant for lives to duke Cúðred, properly calls it a læn: "Ealferð ȝ ða higan habbað geláened," etc. Cod. Dipl. No. 1062. They reserved ecclesiastical, but no secular dues.

be presumed that the guilt of the grantee entirely cancelled the grant; the remaining lives, if any, losing the advantage which they derived through the grantee; forfeiture really taking effect, but for the benefit of the grantor, not the civil power[1]. The tenant of lænland, who by his services acquired the good will of the lord, might hope to have his tenure improved, if not into an absolute possession of bócland, yet into one for his own or more lives. In a translation of St. Augustine of Hippo's Soliloquia, attributed like so many other things to Ælfred of Wessex, there occurs this passage[2]:

"But it pleaseth every man, when he hath built himself some cottage upon his lord's læn, with his assistance, for a while to take up his rest thereon, and hunt, and fowl and fish, and in divers ways provide for himself upon the læn, both by sea and

[1] Oswald's grants generally contain a special clause to that effect: see Cod. Dipl. Nos. 494, 495, 506, 507, 509, 511, 529, 531, 538, 540, 552.

[2] MS. Cott. Vitel. A. xv. fol. 2. "Ac ælene man lyst, siððan he ænig cotlif on his hlafordes læne mid his fultume getimbred hæfð, ðæt he hine móte hwilum ðæron gerestan, ⁊ huntigan, ⁊ fuglian ⁊ fiscan, ⁊ his on gehwylcwisan tó ðære lænan tilian, ægðer ge on sæ ge on lande, oð oð ðone fyrst ðe he bócland ⁊ ece yrfe þurh his hlafordes miltse ge-earnige." Whether land so put out was called earningland, I will not affirm; but at the close of a grant for three lives I find this memorandum: "Two of the lives have fallen in; then Eádwulf took it, and granted it to whomsoever he would as earningland." Cod. Dipl. No. 679. Cotlif seems in other passages to denote small estates not necessarily on læn. The Saxon Chronicle, an. 963, for example uses that term of the lands which Æðelwold gave to Ely, after purchasing them of the king. This it is clear he could not have done, had they been on any person's læn. Were they not perhaps settlements of unlicensed squatters who had built their cottages on the king's waste and deserted lands—the old Mark—in the isle of Ely and Cambridgeshire? But again the Chronicle, an. 1001, speaks of the hám or vill at Waltham, *and many other cotlifs.*

land, until the time when by his lord's compassion he can earn a bócland and eternal inheritance."

And instances occur in more formal documents. In 977, Oswald, Archbishop of York and Bishop of Worcester, made a grant of three hides at Teddington, for three lives, to Eádríc his thane, with reversion to Worcester: "Now there are three hides of this land which Archbishop Oswald booketh to Eádríc his thane, both near town and from town, even as he before held them as lænland[1]."

In another grant of the same prelate, between 972–992, made to his *client* Ælfsige, of a dwelling in Worcester city, for three lives, he adds, "Also we write [or book] to him the croft appurtenant to that tenement, which lies to the east of Wulfsige's croft; that he may hold it in as large measure, for bócland, as he before held it for lænland[2]."

In 977, the same convent at Worcester booked three hides for three lives to the monk Wynsige, even as his father had held them[3]; and in 978–992, they gave to Goding the priest, also for three lives, the tenement which he himself had without the city gate[4]. In both these cases læn appears to have been converted into estate for successive lives.

Where there was læn, there could properly be no book, because the possession of the charter itself was *prima facie* evidence (indeed nearly conclusive evidence) in favour of the holder. Hence, where from any circumstance the books were withheld, the tenant had only a læn: this was the case with

[1] Cod. Dipl. Nos. 617, 651.
[2] Ibid. No. 679.
[3] Ibid. No. 616.
[4] Ibid. No. 683.

Helmstán's estates mentioned above: he had deposited his charters with Ordláf as a security on an occasion when this duke helped him to make oath to some property. On Helmstán's felony, Ordláf seized the land to himself, and the document from which we learn this is obviously his appeal to Ælfred's son and successor, against an attempt to disturb Helmstán's original title, under a judgement given by Ælfred. Nor was it unusual for books to be thus retained as securities, by which the tenant having only a lǽn could be evicted, if not at pleasure, at least by legal process[1]. And the same remarks apply to a very common mode of disposing of estates, where the clergy were grantees. Either to avoid litigation with justly exasperated heirs, or to escape from the commands of various synods, the clergy used to take deeds of gift from living tenants, impounding the books of course, and leaving the life-interest only to the owner. Such an estate in tēchnical Latin was named *praestaria*; but it was obviously a lǽn, and was generally charged with recognitory payments[2].

It may not be uninteresting, before I close this chapter, to give some examples of the gafol or rent paid upon lands whether held for lives, or as, more strictly, lǽnland. They are extremely valuable from the insight they give into the details of social life, and the daily habits of our forefathers.

[1] See the case of the estate at Cowling, in the trial between Queen Eádgyfu and Goda. Cod. Dipl. No. 499.

[2] Examples of this are found in Cod. Dipl. Nos. 429, 754, 1351, 1354, § 6.

Twenty hides of land at Sempringham were leased by Peterborough to Wulfred for two lives, on condition of his getting its freedom, and that of Sleaford (both in Lincolnshire): upon this estate the following yearly rent was reserved. First, to the monastery: two tons of bright ale, two oxen, fit for slaughter, two *mittan* or measures of Welsh ale, and six hundred loaves. Secondly to the abbot's private estate: one horse, thirty shillings of silver or half a pound, one night's *pastus*, fifteen *mittan* of bright and five of Welsh ale, fifteen *sesters* of mild ale[1].

A little earlier, Oswulf, a duke in Kent, devised lands to Christchurch Canterbury, which he charged with annual doles to the poor upon his anniversary. Forty hides at Stanhampstead were to find, one hundred and twenty loaves of wheat, thirty loaves of fine wheat[2], one fat ox and four sheep, two flitches of bacon, five geese, ten hens, and ten pounds of cheese. If it fell on a fast-day, however there was to be (instead of the meat) a *wey* of cheese, and fish, butter, eggs *ad libitum*. Moreover, thirty ambers of good Welsh ale, on the footing of fifteen *mittan*, and one *mitta* of honey (perhaps to make into a drink) or two of wine. From his land

[1] Cod. Dipl. No. 267. an. 852. The mitta and other measures are unknown. However the sester of corn was one horse-load (Hen. Hunt. lib. vi. an. 1044); *quære*, What he could carry, or what he could draw? In the middle of the eleventh century, the sester of honey was thirty-two ounces. Cod. Dipl. No. 950.

[2] They are called *clean*. These probably were made of flour passed oftener through the boulter. The common loaf had no doubt still much bran in it, and answered to our *seconds*. But it is probable that bread was generally made of rye.

at Burnan were to issue one thousand loaves, and one thousand raised loaves or cakes; and the monks themselves were to find one hundred and twenty more of the latter[1].

Werhard gave two juga or geoc of land to Canterbury. The rent of one at Lambahám was forty *pensas* (weys) of cheese, or an equivalent in lambs and wool; the other, at Northwood, rendered one hundred and twenty measures, which the English call ambers, of salt[2].

Lufe, in 832, charged the inheritors and assigns of her land at Mundlinghám, with the following yearly payment to Canterbury, for ever; that is to say: Sixty ambers of malt, one hundred and fifty loaves, fifty white loaves, one hundred and twenty alms-loaves, one ox, one hog and four wethers, two weys of bacon and cheese, one mitta of honey, ten geese and twenty hens[3].

In 835, Abba, a reeve in Kent, charged his heirs with a yearly payment to Folkstone, of fifty ambers of malt, six ambers of grits (gruta?), three weys of bacon and cheese, four hundred loaves, one ox, and six sheep, besides an allowance or stipend in money to the priests[4]. And Heregyð, his wife,

[1] Cod. Dipl. No. 226. an. 805–831. The suft-loaf which I have translated *raised*, is I presume derived from the word *sufflare*, and was probably carefully leavened. We unhappily have not the Anglosaxon receipt for beer; but I presume the text implies that fifteen *mittan*, whatever they were, of malt were to go to the amber. Oswulf's character for splendid liberality will induce us to believe that he meant the monks to have an *Audit* ale of their own, as well as our worthy Fellows of Trinity College Cambridge.

[2] Cod. Dipl. No. 220. an. 832.

[3] Ibid. No. 231.

[4] Ibid. No. 235.

further burthened her land at Challock with payments to Canterbury, amounting to: thirty ambers of ale, three hundred loaves, fifty of them white, one wey of bacon and cheese, one old ox, four wethers, and one hog, or six wethers, six geese and ten hens, one sester of honey, one of butter, and one of salt; and if her anniversary should fall in winter, she added thirty wax-lights[1].

In 902, Bishop Denewulf leased fifteen hides of church-land at Eblesburn to his relative Beornwulf for forty-five shillings a year, with liberty to Beornwulf's children to continue the lease. One shilling (sixty of which went to the pound) is so very small a rent for ten acres, that we must either suppose the land to have been unusually bad, or Beornwulf's connection with the bishop much in his favour[2]. He was also to aid in cyricbót, and pay the cyricsceat. About the same time Denewulf leased forty hides at Alresford to one Ælfred, at the old rent of three pounds per annum, or four shillings and a half per hide. He was however also to pay *church-shot*, the amount of which is not stated, and to do *church-shot-work*, and find men to the bishop's reaping and hunting[3].

Between 901–909, king Eádweard booked twenty hides of land to Bishop Denewulf. The payments reserved have been already mentioned: instead of going to the king as gafol or rent, they were to be expended in an anniversary feast on founder's

[1] Cod. Dipl. No. 235. [2] Ibid. No. 1079.
[3] Ibid. No. 1086. In both cases the rent is called gafol.

day. I have already stated that this may be the old charge on folcland: it was a grant from the monks to the bishop, probably negotiated by Eádweard. All parties were satisfied: the monks probably got from the land as much as they could expect from any other tenant, or what, if folcland, they would themselves have had to pay; the bishop got the land into his own hands, to dispose of at his pleasure, and the king was rewarded for intervention with all the benefits to be derived on his anniversary from the prayers of the grateful fathers at Winchester.

At the close of the ninth century, Werfriδ bishop of Worcester claimed land under the following circumstances. Milred a previous bishop had granted an estate in Sopbury, on condition that it was to be always held by a clergyman, and never by a layman, and that if no clergyman could be found in the grantee's family, it should revert to the see. By degrees the family of the grantee established themselves in the possession, but without performing the condition. At length Werfriδ impleaded their chief Eádnóδ, who admitted the wrong and promised to find a clergyman. The family however all refused to enter into holy orders. Eádnóδ then obtained the intercession of Æδelred duke of Mercia, the lady Æδelflæd, and Æδelnóδ duke of Somerset; and by their persuasion, Werfriδ (in defiance of his predecessor's charter) sold the land to Eádnóδ for forty mancuses, reserving a yearly rent of fifteen shillings, and a vestment (or perhaps some

kind of hanging) to be delivered at the episcopal manor of Tetbury[1].

Ealdwulf bishop of Worcester leased forty acres of land and a fishery for three lives to Leofenaþ, on condition that they delivered yearly fifteen salmon, and those good ones too, during the bishop's residence in Worcester, on Ashwednesday[2].

Eádric *gafeled* (gafelian), i. e. paid yearly rent or gafol for two hides with half a pound, or thirty shillings, and a *gare*, a word I do not understand[3].

In 835, the Abbess Cyneware gave land to Hunberht, a duke, on condition that he paid a *gablum*, gafol or rent of three hundred shillings in lead yearly to Christchurch Canterbury[4].

The ceorlas or dependent freemen who were settled upon the land of Hurstbourn in the days of Ælfred, had the following rents to pay; many of these are labour rents, many arise out of the land itself, viz. are part of the produce.

From each hide, at the autumnal equinox, forty pence. Further they were to pay, six church-mittan of ale, and three sesters or horseloads of white wheat. Out of their own time they were to plough three acres, and sow them with their own seed, to house the produce, to pay three pounds of gafol-barley, to mow half an acre of gafolmead and stack the hay, to split four foþer or load of gafolwood and stack it, to make sixteen rods of gafolhedg-

[1] Cod. Dipl. No. 327.

[2] Ibid. No. 695. I have rendered "forme fæstenes dæg" as if it were *Caput jejunii*.

[3] Ibid. No. 699.

[4] Ibid. No. 1043.

ing[1]. At Easter they were further to pay two ewes and lambs, two young sheep being held equivalent to one old one: these they were to wash and shear out of their own time. Lastly, every week they were to do any work which might be required of them, except during the three weeks, at Christmas, Easter and the Gangdays[2].

The following customs and payments are recorded in various manors: some of the words I cannot translate. "In Dyddanham there are thirty hides; nine of these are inland (demesne), twenty-one are let[3]. In Stræt are twelve hides, twenty-seven yards of gafolland; and on the Severn there are thirty cytweras[4]. In Middleton are five hides, fourteen yards of gafolland, fourteen cytweras on the Severn, and two hæcweras on the Way. At Kingston there are five hides, thirteen yards of gafolland, and one hide above the ditch which is now also gafolland, and that without the ham[5], is still in part inland, in part let out on rent to the shipwealas[6]: to Kingston belong twenty-one cytweras on the Severn, and twelve on the Way. In Bi-

[1] Gafolbære, gafolmæd, gafolwidu, gafoltúning. The Saxons knew well enough that all these things were *rent*; and all land put out upon rent of any kind was gafolland, gafolcund or *gavelkind* land.

[2] Cod. Dipl. No. 1077.

[3] *Geset land* I have rendered by set out or let; as land is afterwards said to be set to rent, tó gafole gesett.

[4] The cytweras and hæcweras were weirs or places for taking fish, but I cannot distinguish their nature. The names would induce us to think the former were shaped like a modern eel-trap, the latter were formed with a slat or hatch.

[5] An enclosure on the water. See Cod. Dipl. iii. p. xxvii.

[6] Welsh navigators.

shopstún are three hides, and fifteen cytweras on the Way: in Lancawet are three hides, two hæcweras on the Way, and two cytweras.

"Throughout that land each yardland pays twelve pence, and four alms-pence: at every weir within the thirty hides, every second fish belongs to the landlord, besides every uncommon fish worth having, sturgeon or porpoise, herring or sea-fish; and no one may sell any fish for money when the lord is on the land, until he have had notice of the same. In Dyddenham the services are very heavy. The geneát must work, on the land or off the land, as he is commanded, and ride and carry, lead load and drive drove, and do many things beside. The gebúr must do his rights; he must plough half an acre for week-work, and himself pay the seed in good condition into the lord's barn for *church-shot*, at all events from his own barn: towards *werbold*[1], forty large trees[2] or one load of rods; or eight *geocu build*[3], three *ebban* close: of field-enclosure fifteen rods, or let him ditch fifteen; and let him ditch one rod of burg-enclosure; reap an acre and a half, mow half an acre; work at other works ever according to their nature. Let him pay sixpence after Easter, half a sester of honey at Lammas, six sesters of malt at Martinmas, one clew of good net yarn. In the same land it is customary that he who hath seven swine shall give three, and so forth always

[1] Werbold, the construction of the weir or place for catching fish.

[2] Mæra, of large wood in opposition to rods?

[3] Let him build eight *yokes* in the weir, and close three *ebban*. What these geocu and ebban are, I cannot say.

the tenth, and nevertheless pay for common of masting, if mast there be[1]."

Unquestionably these are heavy dues, and much aggravated by the circumstances of the estate or yardland being but small, the tenant born free, and some of the services uncertain. I shall conclude this chapter with a few lines translated from that most valuable document called "Rectitudines singularum personarum[2];" as far as the cases of the Geneát, Cotsetla and Gebúr are concerned[3]. First of the Geneát or comrade.

"The Geneát-right is various, according to the custom of the land. In some places he must pay landgafol, and a grass-swine yearly; ride and carry, lead load; work and feed his lord[4]; reap and mow; hew deer-hedge and hold *sæte*[5]; build and enclose the burh [or mansion]; make new roads to the farm; pay church-shot and alms-fee; hold headward and horseward; go on errand, far or near, whithersoever he is directed." This is comparatively free, and it is only to be regretted that we do not know what amount of land in general could be obtained at such a rent. We next come to the Cotsetlan, whom Ælfred in a passage already cited states to be on lænland, and who are obviously poor freemen, suffered to settle on the lord's estate.

"The Cotsettler's right is according to the custom. In some places he must work for the lord, every

[1] Cod. Dipl. No. 461. [2] Thorpe, i. 432.

[3] The ancient Latin version calls them Villanus, Cotsetle and Gebúr.

[4] Feormian, *firmare*; give so much as *pastus*.

[5] Help to make park-paling, and perhaps keep watch for game.

Monday throughout the year; or three days every week in harvest; he need pay no landgafol. He ought to have five acres; more if it be the custom. And if it be less, it is all too little, for his service is often called upon. He must pay his hearth-penny on holy Thursday[1] as it behoves every freeman to do; and he must acquit[2] his lord's inland, on summons, at seaward and at the king's deer-hedge[3]; and at such things as are in his competence: and let him pay his church-shot at Martinmas.

"The customs of the Gebúr are very various; in some places they are heavy, but in some moderate. In some places it is usual that he shall do two days week-work, whatever work may be commanded him, every week throughout the year; and three days week-work in harvest, and three from Candlemas to Easter. If he carries[4], he need not work himself as long as his horse is out. He must pay at Michaelmas ten gafol-pence, and at Martinmas twenty-three sesters of barley, and two hens[5]; at

[1] Ascension Day. Observe that the Cotsetla is distinctly asserted to be *free*.

[2] "Werige his hláfordes," etc.; that is, perform for his lord, the duty of coast-guard, and attending the king's hunt: from which it follows that, where there was no special exemption, these services could be demanded of the lord: that is in case of folcland. The old Latin translates *werian* by *acquietare*, which I have adopted.

[3] Either in repairing the park-paling, or in service during the hunt.

[4] Aferian, auerian, *facit averagium, averiat*.

[5] This seems an immense amount of barley, but the Saxon clearly reads as I have translated. The old Latin version has, "Dare debet in festo Sancti Michaelis x. den. de gablo, et Sancti Martini die xxiii et sestarium ordei et ii gallinas." Twenty-three pence at Martinmas is a considerable sum; however as a sester of corn must even in ordinary years have been worth quite that sum, it is more reasonable to follow the Latin than the Saxon.

Easter one young sheep or two pence; and he shall lie out from Martinmas till Easter at the lord's fold[1]; and from the time when the plough is first put in till Martinmas, he shall plough one acre every week, and make ready the seed in the lord's barn: moreover three acres on request, and two of grass-ploughing[2]. If he require more grass, let him earn it on such conditions as he may. For his rent-ploughing [gafolyrð] he shall plough three acres and sow them from his own barn; and pay his

[1] The fold was often distant from the homestead, and required careful watching, especially during the dark winter months. Sheep alone were not folded, but oxen, cows, and particularly mares: hryðrafald, cúafald, stódfald. This system may be still seen in full force in Hungary; and we may add that, in the article of horse and cattle stealing, the Hungarian presents a very marked likeness to the Anglosaxon. While reading these services, one can hardly get rid of the notion that one is studying the description of a Hungarian *Session*.

[2] "Tres acras precum et duas de herbagio: þreo æceras tó béne ⁊ twá tó gærsyrðe." If requested he shall do three acres; but only two if a meadow is to be broken up? This is always much harder work than ploughing on old arable. But it is difficult to reconcile this with the next sentence. The Saxon says, "Gif he máran gærses beþyrfe, *earnige* ðæs swá him man þafige:" the Latin, "Si plus indigeat herbagio, *arabit* proinde sicut ei permittatur." From the word *arabit*, Thorpe suggests *erige* instead of *earnige*. The two readings are however consistent if we consider the expression gærsyrðe as having no connection with the gærs of the following sentence. I suppose the meaning to be this: on extraordinary occasions, he might be called upon by the lord to plough three acres instead of one, or in old meadow-land, two acres. If now he himself should want more grass-land than he already possessed, he might make a bargain with the lord, and earn it by this labour with the plough. He was bound to give one day's ploughing every week from the commencement of the ploughing season till the 11th of November: but on pressing emergency, and on request of the lord, he must give three days (for an acre a day was the just calculation) or in old meadow two. If his services at the plough were still further required, he was to make a bargain with his lord; and a common case is supposed, viz. that he required more grass-land than he had. In this way all seems intelligible.

hearth-penny; and two and two shall feed one stag-hound; and each gebúr shall give six loaves to the inswán [that is, the swain or swineherd of the demesne] when he drives his herd to the mast. In the same land where these conditions prevail, the gebúr has a right, towards first stocking his land, to receive two oxen, one cow and six sheep, and seven acres in his yard of land, ready sown. After the first year let him do all the customs which belong to him; and he is to be supplied with tools for his work, and furniture for his house. When he dies, let his lord look after what he leaves.

"This land-law prevails in some lands; but, as I have said, in some places it is heavier, in others lighter; seeing that the customs of all lands are not alike. In some places the gebúr must pay honey-gafol, in some meat-gafol, in some ale-gafol. Let him that holds the shire take heed to know always what is the old arrangement about the land, and what the custom of the country!"

I can only add the expression of my opinion, that a careful study of the condition of the peasantry in the eastern parts of Europe will assist in throwing much light upon these ancient social arrangements in this country. Hard as in some respects the condition of the dependent freeman appears, it must be borne in mind that the possession of land was indispensably necessary to life, unless he was to become an absolute serf. In a country that has little more manufacture than the simple necessities of individual households require, no wealth of raw material, and consequently little commerce,—where

households rejoice in a sort of self-supporting, self-sufficient autonomy, and the means of internal communication are imperfect,—land and its produce are the only wealth; land is the only means whereby to live. But the Saxon peasant knew his position: it was a hard one, but he bore it: he worked early and late, but he worked cheerfully, and amidst all his toils there is no evidence of his ever having shot at his landlord from behind a stone wall or a hedge.

CHAPTER XII.

HEATHENDOM.

An account of the Saxons which should entirely exclude the peculiarities of their heathendom, would be deficient in an important degree. Religion and law are too nearly allied, particularly in early periods, for us to neglect either, in the consideration of national institutions. The immediate dependence of one upon the other we may not be able to show in satisfactory detail; but we may be assured that the judicial forms are always in near connexion with the cult, and that this is especially the case at times when the judicial and priestly functions are in the hands of the same class.

The Saxons were not without a system of religion, long before they heard of Christianity, nor should we be justified in asserting that religion to have been without moral influence upon the individual man in his family and social relations. Who shall dare to say that the high-thoughted barbarian did not derive comfort in affliction, or support in difficulty, from the belief that the gods watched over him,—that he did not bend in gratitude for the blessings they conferred,—that he was not guided and directed in the daily business of life by the con-

viction of his responsibility to higher powers than any which he recognized in the world around him? There has been, and yet is, religion without the pale of Christianity, however dim and meagre and unsatisfactory that religion may appear to us whom the mercy of God has blessed with the true light of the Gospel. Long before their conversion, all the Germanic nations had established polities and states upon an enduring basis,—upon principles which still form the groundwork and stablest foundation of the greatest empires of the world,—upon principles which, far from being abrogated by Christianity, harmonize with its purest precepts. They who think states accidental, and would eliminate Providence from the world, may attempt to reconcile this truth with their doctrine of *barbarism*; to us be it permitted to believe that, in the scheme of an all-wise and all-pervading mercy, one condition here below may be the fitting preparation for a higher; and that even Paganism itself may sometimes be only as the twilight, through which the first rays of the morning sun are dimly descried in their progress to the horizon. Without religion never was yet state founded, which could endure for ages; the permanence of our own is the most convincing proof of the strong foundations on which the massive fabric, from the first, was reared.

The business of this chapter is with the Heathendom of the Saxons; not that portion of it which yet subsists among us in many of our most cherished superstitions, some of which long lurked in the ritual of the unreformed church, and may yet

lurk in the habits and belief of many Protestants; but that which was the acknowledged creed of the Saxon, as it was of other Germanic populations; which once had priests and altars, a ritual and ceremonies, temples and sacrifices, and all the pomp and power of a church-establishment.

The proper subjects of mythological inquiry are the gods and godlike heroes: it is through the latter—for the most part, forms of the gods themselves—that a race connects itself with the former. Among the nations of our race royalty is indeed *iure divino*, for the ruling families are in direct genealogical descent from divinity, and the possession of Wóden's blood was the indispensable condition of kingship. In our peculiar system, the vague records of Tuisco, the earth-born god[1], and Man, the origin and founders of the race, have vanished; the mystical cosmogony of Scandinavia has left no traces among us[2]; but we have nevertheless a mythological scheme which probably yielded neither in completeness nor imaginative power to those of the German or the Norwegian.

In the following pages I propose to take into consideration, first the Gods and Goddesses, properly so called: secondly, the Monsters or Titanic powers of our old creed: thirdly, the intermediate

[1] "Celebrant carminibus antiquis .... Tuisconem deum terrâ editum et filium Mannum, originem gentis conditoresque." Germ. ii. So sung the earliest Greeks:

ἀντίθεον δὲ Πέλασγον ἐν ὑψικομοῖσιν ὄρεσσι
γαῖα μέλαιν' ἀνέηκεν ἵνα θνήτων γένος εἴη.

[2] There is no better account of this than Geijer gives in his History of Sweden, vol. i. *passim*.

and as it were ministerial beings: and lastly the god-born and heroic personages of the epopoea.

The prudence or the contempt of the earliest Saxon Christians has left but sparing record of what Augustine and his brother missionaries overthrew. Incidental notices indeed are all that remain in any part of Teutonic Europe; and on the continent, as well as in England, it is only by the collation of minute and isolated facts,—often preserved to us in popular superstitions, legends and even nursery tales,—that we can render probable the prevalence of a religious belief identical in its most characteristic features with that which we know to have been entertained in Scandinavia. Yet whatsoever we can thus recover, proves that, in all main points, the faith of the island Saxons was that of their continental brethren.

It will readily be supposed that the task of demonstrating this is not easy. The early period at which Christianity triumphed in England, adds to the difficulties which naturally beset the subject. Norway, Sweden and Denmark had entered into public relations with the rest of Europe, long before the downfall of their ancient creed: here, the fall of heathendom and the commencement of history were contemporaneous: we too had no Iceland[1] to offer a refuge to those who fled from the violent course of a conversion, preached sword

[1] Thus was Iceland colonized, by men who would neither relinquish their old belief, nor submit to the growing power of a king. The Old-saxons had no such place of refuge, and the arms of Charlemagne prevailed to destroy their national independence and their religion together.

in hand, and coupled with the loss of political independence; still the progress of the new faith seems to have been on the whole easy and continuous amongst us; and though apostasy was frequent, history either had no serious struggle to record, or has wisely and prudently concealed it.

In dealing with this subject, we can expect but little aid from the usual sources of information. The early chroniclers who lived in times when heathendom was even less extinct than it now is, and before it had learnt to hide itself under borrowed names, would have shrunk with horror from the mention of what, to them, was an execrable impiety: many of them could have possessed no knowledge of details which to us would be invaluable, and no desire to become acquainted with them: the whole business of their life, on the contrary, was to destroy the very remembrance that such things had been, to avoid everything that could recall the past, or remind their half-converted neophytes of the creed which they and their forefathers had held. It is obvious that, under such circumstances, the greater and more powerful the God, the more dangerous would he continue to be, the more sedulously would all mention of him be avoided by those who had relinquished his service or overthrown his altars. But though this may be the case with the principal deities, there are others whose power, though unacknowledged, is likely to be more permanent. Long after the formal renunciation of a public and national paganism, the family and household gods retain a certain habitual influence,

and continue—often under other names, nay perhaps engrafted on another creed—to inform the daily life of a people who are still unconsciously acted upon by ancient national feelings. A spell or a popular superstition may yet recall some traces of the old belief, even as the heathen temple, when purified with holy water and dedicated in another name, retained the holiness which had at first been attached to the site of its foundation.

What Paulus Diaconus, Jonas of Bobbio, Jornandes, Adam of Bremen, Alcuin, Widukind, and the monks of St. Gall, assert of other German races, Beda asserts of the Anglosaxons also, viz. that they worshiped idols[1], *idola, simulacra deorum*; and this he affirms not only upon the authority of his general informants and of unbroken tradition, but of Gregory himself. Upon the same authority also he tells us that the heathen were wont to sacrifice many oxen to their gods[2]. To

[1] What Tacitus says of the Germans (Germ. ix.) not having temples or images is to be taken with great caution. It is clear from other passages of his own work that some tribes had such, even in his time; yet if rare then, they may easily have become universal in the course of two or three centuries, particularly among those tribes whom military service or commerce had gradually rendered familiar with the religious rites of Rome.

[2] These facts are stated in a letter from Gregory to Mellitus, in the following words: "Cum ergo Deus omnipotens vos ad reverentissimum virum fratrem nostrum Augustinum episcopum perduxerit, dicite ei quid diu mecum de causa Anglorum cogitans tractavi, videlicet, quia fana idolorum destrui in eadem gente minime debeant; sed ipsa, quae in eis sunt, idola destruantur, aqua benedicta fiat, in eisdem fanis aspergatur, altaria construantur, reliquiae ponantur. Quia, si fana eadem bene constructa sunt, necesse est ut a cultu daemonum in obsequium veri Dei debeant commutari; ut dum gens ipsa eadem fana sua non videt destrui, de corde errorem deponat, et Deum verum cognoscens ac

Beda himself we owe the information that Hréðe and Eostre, two Saxon goddesses, gave their names to two of the months; that at a certain season cattle were vowed, and at another season cakes were offered to the gods[1]. From him also we learn that upon the death of Sæbeorht in Essex, his sons restored the worship of idols in that kingdom[2]; that Eádwini of Northumberland offered thanks to his deities for the safe delivery of his queen[3]; that Rædwald of Eastanglia sacrificed victims to his gods[4]; that, on occasion of a severe pestilence, the people of Essex apostatized and returned to their ancient worship[5], till reconverted by Gearoman, under whose teaching they destroyed or deserted the fanes and altars they had made; that incantations and spells were used against sickness[6]; that certain runic charms were believed capable of breaking the bonds of the captive[7]; that Eorcenberht of Kent was the first who completely put down heathendom in his kingdom, and destroyed

adorans ad loca, quae consuevit, familiarius concurrat. Et quia boves solent in sacrificio daemonum multos occidere, debet eis etiam hac de re aliqua solemnitas immutari; ut die dedicationis, vel natalitii sanctorum martyrum, quorum illic reliquiae ponuntur, tabernacula sibi circa easdem aecclesias, quae ex fanis commutatae sunt, de ramis arborum faciant, et religiosis conviviis solemnitatem celebrent, nec diabolo iam animalia immolent, sed ad laudem Dei in esu suo animalia occidant, et donatori omnium de satietate sua gratias referant; ut dum eis aliqua exterius gaudia reservantur, ad interiora gaudia consentire facilius valeant." Bed. H. E. i. 30.

[1] De Natura Rerum, cap. 15.

[2] H. E. ii. 5.

[3] H. E. ii. 9.

[4] H. E. ii. 15.

[5] "Coeperunt fana, quae derelicta erant, restaurare, et adorare simulacra; quasi per haec possent a mortalitate defendi." H. E. iii. 30.

[6] H. E. iv. 27.

[7] H. E. iv. 22.

the idols[1]; lastly that at the court of Eádwini of Northumberland there was a chief-priest[2], and, as we may naturally infer from this, an organized heathen hierarchy.

The poenitentials of the church and the acts of the witena-gemóts are full of prohibitions directed against the open or secret practice of heathendom[3]; from them we learn that even till the time of Cnut, well-worship and tree-worship, the sanctification of places, spells, philtres and witchcraft, were still common enough to call for legislative interference; and the heavy doom of banishment, proclaimed against their upholders, proves how deeply rooted such pagan customs were in the minds of the people. Still in the Ecclesiastical History of Beda, in the various works which in later times were founded upon it and continued it, in the poenitentials and confessionals of the church, in the acts of the secular assemblies, we look in vain for the sacred names in which the fanes were consecrated, or for even the slightest hint of the attributes of the gods whose idols or images had been set up. Excepting the cursory mention of the two female divinities already noticed, and one or two almost equally rapid allusions in later chronicles, we are left almost entirely without direct information respecting the tenants of the Saxon Pantheon. There are however other authorities, founded on traditions more an-

[1] H. E. iii. 8. Malmsbury says that he destroyed also their chapels, "sacella deorum." De Gest. lib. i. § 11.

[2] H. E. ii. 13.

[3] See these collected in the Appendix at the end of this volume.

cient than Beda himself, from which we derive more copious, if not more definite, accounts. First among these are the genealogies of the Anglosaxon kings: these contain a multitude of the ancient gods, reduced indeed into family relations, and entered in the grades of a pedigree, but still capable of identification with the deities of the North and of Germany. In this relation we find Wóden, Bældæg, Geát, Wig, and Frea. The days of the week, also dedicated to gods, supply us further with the names of Tiw, Đunor, Fricge and Sætere; and the names of places in all parts of England attest the wide dispersion of their worship. These, as well as the names of plants, are the admitted signs by which we recognize the appellations of the Teutonic gods.

1. WO'DEN, in Old-norse OÞINN, in Old-german WUOTAN.—The royal family of every Anglosaxon kingdom, without exception, traces its descent from Wóden through some one or other of those heroes or demigods who are familiar to us in the German and Scandinavian traditions[1]. But

[1] Roger of Wendover appears however to have made a distinction, which I do not remember to have found in any other author, in the case of Ælli of Sussex. He says: "Wodenus igitur ex antiquorum prosapia Germanorum originem ducens, post mortem inter deos translatus est; quem veteres pro deo colentes, dedicaverunt ei quartam feriam, quam de nomine eius Wodenesday, id est diem Wodeni, nuncuparunt. Hic habuit uxorem, nomine Fream, cui similiter veteres sextam feriam consecrantes, Freday, id est diem Freæ, appellarunt. Genuit autem Wodenus ex uxore Frea septem filios inclytos, ex quorum successione septem reges traxerunt originem, qui in Britannia potenter, expulsis Britannis, postea regnaverunt. Ex filio Wodeni primogenito, nomine Wecta, reges Cantuariorum; ex secundo, Frehegeath, reges Merciorum; ex tertio, Baldao, reges Westsaxonum; ex quarto, Bel-

the divinity of Wóden is abundantly clear: he is both in form and in fact identical with the Norse Oþinn and the German Wuotan, the supreme god of all the northern races, whose divinity none will attempt to dispute[1]. Nor was this his character unknown to our early chroniclers; Malmsbury, speaking of Hengest and Hors, says: "They were the great-great-grandsons of that most ancient Wóden, from whom the royal families of almost all the barbarous nations derive their lineage; whom the nations of the Angles madly believing to be a god, have consecrated unto him the fourth day of the week, and the sixth unto his wife Frea, by a sacrilege which lasts even unto this day[2]." Matthew of Westminster[3] and Geoffry of Monmouth[4] repeat this with characteristic variations, both adding, apparently in the words of Tacitus[5], "Colimus maxime Mercurium, quem Wóden lingua nostra appellamus." Æðelweard, an Anglosaxon nobleman of royal blood, and thus himself a descendant of Wóden, had previously stated the same thing after the fashion of his own age,—the tenth cen-

dago, reges Northanhumbrorum, sive Berniciorum; ex quinto, Wegdego, reges Deirorum; ex sexto, Kasero, reges Orientalium Anglorum; ex septimo, Saxnad, reges Orientalium Saxonum originem habere dicuntur; octavus vero, id est, rex Australium Saxonum, ex eadem gente, sed non ex eadem stirpe, originem sumpsit." Flor. Histor. i. 346.

[1] It is a peculiarity of the Old-norse to omit the initial W; thus ormr for wyrmr, a dragon or serpent: ulfr, for wulfr, a wolf: hence Oþinn is literally Wóden. The identity of Wuotan is clearly shown in Grimm's Deut. Mythol. p. 120, *seq.*

[2] Gul. Meld. De Gest. 1 § 5, i. 11.

[3] Mat. Westm. Flor. Hist. p. 82 (Ed. 1601).

[4] Galf. Monum. lib. vi. p. 43 (Ed. 1587).

[5] "Deorum maxime Mercurium colunt." Germ. ix.

tury; he says of Hengest and Hors: "Hi nepotes fuere Uuoddan regis barbarorum, quem post, infanda dignitate, ut deum honorantes, sacrificium obtulerunt pagani, victoriae causa sive virtutis[1]." Again, he says: "Wothen, qui et rex multarum gentium, quem pagani nunc ut deum colunt aliqui." Thus, according to him, Wóden was worshiped as the giver of victory, and as the god of warlike valour. And such is the description given by Adam of Bremen of the same god, at Upsala in Sweden: "In hoc templo, quod totum ex auro paratum est, statuas trium deorum veneratur populus, ita ut potentissimus eorum Thór in medio solum habeat triclinium, hinc et inde locum possident Wódan et Fricco. Quorum significationes eiusmodi sunt: Thór, inquiunt, praesidet in aere, qui tonitrus et fulmina, ventos imbresque, serena et fruges gubernat. Alter Wódan, id est *Fortior*, bella regit, hominumque ministrat virtutem contra inimicos. Tertius est Fricco, pacem voluptatemque largiens mortalibus. Cuius etiam simulachrum fingunt ingenti Priapo. Wódanem vero sculpunt armatum, sicuti nostri Martem sculpere solent. Thór autem cum sceptro Jovem exprimere videtur." The Exeter book names Wóden in a similar spirit:

Hæðnum synne
Wóden worhte weohs,
wuldor alwealda
rúme roderas[2],

that is, "For the heathen Wóden wrought the sin

[1] Æðelw. Chron. lib. ii. cap. 2.

[2] Cod. Exon. p. 341.

of idolatry, but the glorious almighty God the spacious skies:" and an early missionary is described to have thus taught his hearers: "Wóden vero quem principalem deum crediderunt et praecipuum Angli, de quo originem duxerant, cui et quartam feriam consecraverant, hominem fuisse mortalem asseruit, et regem Saxonum, a quo plures nationes genus duxerant. Huius, inquit, corpore in pulverem resoluto, anima in inferno sepulta aeternum sustinet ignem[1]."

To Wóden was dedicated the fourth or mid-day of the week, and it still retains his name: this among other circumstances tends to the identification of him with Mercurius[2]. The Old-norse Rúnatale þáttr which introduces Oþinn declaring himself to be the inventor of runes[3], is confirmed by the assertion in the dialogue of Salomon and Saturn, which to the question "Who invented letters?" answers, "I tell thee, Mercury the giant"—that is, "Wóden the god:" and this is further evi-

[1] Legend. Nova, fol. 210, b.

[2] This probably was the case even before any German settlement was made in Britain. But no argument can be raised on this ground against the genuineness of the Wóden worship here; because, if the continental Germans worshiped him, they probably carried his rites with them to England. We know that he is one of the gods named in the celebrated formulary of renunciation, which the missionary Christians prepared for the use of the Saxon converts. Why the *interpretatio Romana* (Tac. Germ. xliii.) fixed upon Wóden as the corresponding god to Mercury we do not clearly see: but we are not acquainted with the rites and legends which may have made this perfectly clear to the Romans.

[3] Namek úpp rúnar: Grimm seems to have some doubt of the accuracy of this translation. Deut. Myth. p. 136 (edition of 1844), but I think unnecessarily. At all events the invention of the Hugrúnar, or

dence of resemblance. A metrical homily in various collections, bearing the attractive title *De falsis diis*, supplies us with further proof of this identification, not only with Wóden, but with the Norse Oþinn: it says,

Sum man was geháten	A man there was, called
Mercurius on life,	Mercury during life,
se was swíðe fácenful	who was very fraudulent
and swícol on dǽdum,	and deceitful in deeds,
and lufode eác stala	and eke loved thefts
and leásbredhysse:	and deception:
ðone macodon ða hǽðenan	him the heathen made
him tó mǽran gode,	a powerful god for themselves,
and æt wega gelǽtum	and by the road-sides
him lác offrodon,	made him offerings,
and tó heágum beorgum	and upon high hills
him bróhton onsægdnysse.	brought him sacrifice.
Ðæs god wæs árwurða	This god was honourable
betwux callum hǽðenum,	among all the heathen,
and he is Oþon geháten	and he is called Odin
óðrum naman on Denisc.	by another name in Danish.
. . . . .	. . . . .
. . . . .	. . . . .
Ðone feorðan dæg	The fourth day
hí sealdon him tó frófre	they gave for their advantage
ðám foresædan Mercurie	to the aforesaid Mercury
heora mǽran gode[1].	their great god.

Runes, the possession of which makes men dear to their companions, is distinctly attributed to him in the Edda:

> þær of hugði Hroptr
> af þeim legi
> er lekiþ hafði
> or havfi Heiddravpnis
> ok or horni Hoddropnis. (Brynh-qu. i. 13.)

But this is an additional point of approximation to the deities whom we consider identical with Hermes, and in some respects with Mercury, as for instance Thoth.

[1] MS. Cott. Jul. E. vii. 237, b. etc. See the author's edition of Salomon and Saturn, p. 120, *seq.*

Thus we have Mercurius, Wóden and Oþinn sufficiently identified. A careful investigation of the inner spirit of Greek mythology has led some very competent judges to see a form of Hermes in Odysseus. This view derives some corroboration from the Teutonic side of the question, and the relation in which Wóden stands to Mercurius. Even Tacitus had learnt that Ulixes had visited Germany, and there founded a town which he called Asciburgium[1]; and without insisting on the probability that Asciburgium grew out of a German Anseopure or a Scandinavian Asgard, it seems not unreasonable to suppose that some tales of Wóden had reached the ears of the Roman, which seemed to him to resemble the history of Odysseus and his wanderings. Such a tale we yet possess in the adventures of Thorkill on his journey to Utgardaloki, narrated by Saxo Grammaticus, which bears a remarkable likeness to some parts of the Odyssee[2]; and when we consider Saxo's very extraordinary mode of rationalizing ancient mythological traditions, we shall admit at least the probability of an earlier version of the tale which would be much more consonant with the suggestion of Tacitus, although this earlier form has unfortunately not

[1] "Ceterum et Ulixen quidam opinantur longo illo et fabuloso errore in hunc Oceanum delatum adiisse Germaniae terras, Asciburgiumque, quod in ripa Rheni situm hodieque incolitur, ab illo constitutum nominatumque. Aram quinetiam Ulixi consecratam adiecto Laertae patris nomine eodem loco olim repertam, monimentaque et tumulos quosdam Graecis litteris inscriptos in confinio Germaniae Raetiaeque adhuc exstare. Quae neque confirmare argumentis, neque refellere in animo est; ex ingenio suo quisque demat vel addat fidem." Germ. iii.

[2] Saxo Gram. Hist. Dan. lib. viii.

survived. Wóden is, like Odysseus, preeminently the *wanderer*; he is Gangradr, Gangleri, the restless, moving deity. Even the cloak, hood or hat in which Oþinn is always clad[1] reminds us both of the *petasus* of Hermes and the broad hat which Odysseus generally wears on ancient gems and pottery. That Wóden was worshiped *æt wega gelætum*, and that he was the peculiar patron of boundaries, again recalls to us this function of Hermes, and the Ἑρμαια: when we hear that offerings were brought to him upon the lofty hills, we are reminded that there was an ἄκριος or Mountain Hermes too, though little known; and the Ἑρμῆς πρόμαχος, perhaps as little known as his mountain brother, answers to the warlike, victory-giving deity of our forefathers in his favourite form.

From the godlike or heroic sons of Wóden descend all the races qualified to reign, and some of those whose names are found in the Anglosaxon genealogies may be easily recognised in the mythological legends of the continent. In some one or other of his forms he is the *eponymus* of tribes and races: thus, as Geát or through Geát, he was the founder of the Geátas; through Gewis, of the Gewissas; through Scyld, of the Scyldingas, the Norse

[1] Oþinn is called heklumaðr, *the man with the cloak*. Fornald. Sög. i. 325. "Kom þar maðr gamall, miök orðspakr, einsýnn [Oþinn was *one-eyed* only] ok augdapr, ok hafði hatt sídan." Fornman. Sög. ii. 138. "Sá hann mann mikinn með síðum hetti.... ók þotti konúngi gaman æt ræðum hans, þviat hann kunni af öllum löndum tíðindi at segja." Fornman. Sög. v. 250. He is called Síðhöttr even in the Edda. Through this cloak or *Hackle*, Wóden becomes *Hackleberend* or *Hackleberg*, who rides at the head of the Wilde Jagd or wild hunt.

Skjoldungar; through Brand, of the Brondingas; perhaps through Bætwa, of the Batavians[1]. It seems indeed not wholly improbable that every name in the merely mythical portion of the genealogies represents some particular tribe, under the distinctive appellation of its tutelar god or hero; and that we may thus be led in some degree to a knowledge of the several populations which coalesced to form the various kingdoms.

Legends describing the adventures of Wóden either in a godlike or heroic form were probably not wanting here, or in Germany; it is only in Scandinavia that a portion of these have been preserved, unless the tales of Geát and Sceaf, to be hereafter noticed, are in reality to be referred to him. Equally probable is it that he had in this country temples, images and religious rites, traces of which we find upon the continent[2]; and that

[1] The MS. lists read Tætwa, but as the alliteration which prevails in those pedigrees fails in this instance, Grimm threw out the suggestion that the original reading was Bætwa. Selden, in the English Janus, p. 9, cites Heuter de vet. Belgio, lib. ii. cap. 8, for Bato (Bætwa) the eponymus of the Batavians, but this does not appear to rest upon any sound authority. On the subject of the names of Wóden, and the Anglosaxon genealogies, the reader may consult a tract of the author's, Die Stammtafel der Westsachsen, Munich 1836, and Beówulf, vol. ii., the Postscript to the Preface: together with a review of the first-named book by Jacob Grimm, in the Göttinger Gel. Anz. for 1836.

[2] The ancient Germans sacrificed human victims to him. "Deorum maxime Mercurium colunt, cui certis diebus humanis quoque hostiis litare fas habent." Tac. Germ. xxxix. "Victores diversam aciem Marti ac Mercurio sacravere, quo voto equi, viri, cuncta victa occidioni dantur." Tac. Annal. xiii. 57. King Ane or Avn the old, offered up in succession nine of his sons to Odinn, to increase the length of his own life. Yngling. Sag. cap. xxix; Geijer, Gesch. Schwed. i. 416. "Sunt etenim inibi vicinae nationes Suevorum; quo cum moraretur et inter

trees, animals and places were consecrated to him[1]. So numerous indeed are the latter, so common in every part of England are names of places compounded with his name, that we must admit his worship to have been current throughout the island: it seems impossible to doubt that in every quarter there were localities (usually rising ground) either dedicated to him, or supposed to be under his especial protection; and thus that he was here, as in Germany, the supreme god whom the Saxons, Franks and Alamans concurred in worshiping. The following names of places may all be unhesitatingly attributed to this cause, and they attest the general recognition and wide dispersion of Wóden's influence.

Wanborough, formerly *Wódnesbeorh*, in Surrey, lat. 51° 14′ N., long. 38′ W., placed upon the water-shed which throws down streams to north and south,

habitatores illius loci progrederetur, reperit eos sacrificium profanum litare velle, vasque magnum, quod vulgo cupam vocant, quod viginti et sex modios amplius minusve capiebat, cerevisia plenum in medio habebant positum. Ad quod vir dei accessit et sciscitatur, quid de illo fieri vellent? Illi aiunt: deo suo Wodano, quem Mercurium vocant alii, se velle litare." Ion. Bobbiensis, Vita Columbani. Compare also what Saxo Grammaticus says of the immense tub of beer which Hunding prepared to celebrate the obsequies of Hadding. Hist. Dan. p. 19. On festal occasions it was usual to drink to the health, *love* or *minne* of the gods. Odinn was generally thus honoured: the custom was preserved among Christians, who drank *minne* to St. John, St. Martin, St. Gertrude and other saints. Grimm, Myth. p. 53 *seq*.

[1] Wolves and ravens appear to have been Odinn's sacred animals: the Saxon legends do not record anything on this subject; but here and there we do hear of *sacred* trees, which may possibly have been dedicated to this god: thus the Wónác (Cod. Dipl. No. 495), the Wonstoc (Ibid. Nos. 287, 657), "ad quendam fraxinum quem imperiti sacrum vocant." Ibid. No. 1052. Respecting the sacred character of the ash see Grimm, Myth. p. 617.

and running from east to west, divides the county of Surrey into two nearly equal portions, once perhaps two petty kingdoms; the range of hills now called the Hog's-back. It is a little to the north of the ridge, nearly on the summit; the springs of water are peculiarly pure and never freeze. In all probability it has been in turn a sacred site for every religion that has been received in Britain. *Wanborough*, formerly *Wódnesbeorh* in Wiltshire, lat. 51° 33′ N., long. 1° 42′ W., about 3½ miles S.E. of Swindon, placed upon the watershed which throws down the Isis to the north, and Kennet to the south. *Woodnesborough*, formerly *Wódnesbeorh*, in Kent, lat. 51° 16′ N., long. 1° 29′ E., throwing down various small streams to north and south, into the Stour and the sea. *Wonston* (probably *Wódnes stán*) in Hampshire, lat. 51° 10′ N., long. 1° 20′ W., from which small streams descend to north and south, into the Test and Itchen. *Wambrook* (probably *Wódnes bróc*) in Dorsetshire. *Wampool* (probably *Wódnes pól*) in Cumberland. *Wansford* (probably *Wódnesford*) in Northamptonshire. *Wansford* in the East Riding of Yorkshire. *Wanstead* (probably *Wódnes stede*) an old Roman station in Essex. *Wanstrow*, formerly *Wodnestreów*, in Somerset. *Wanborough* or *Warnborough*, formerly *Wódnesbeorh*, two parishes in Hampshire. *Wembury*, formerly *Wódnesbeorh*, in Devonshire. *Wonersh* (probably *Wódnes ersc*), a parish at the foot of the Hog's-back, a few miles from Wanborough. *Wansdike*, formerly *Wódnes díc*, an ancient dike or fortification, perhaps the boundary between different kingdoms; it

extended in a direction from east to west through more than one of our southern counties. Its remains are visible three or four miles W.S.W. of Malmsbury in Wiltshire, and it crosses the northern part of Somerset from the neighbourhood of Bath to Portshead on the Bristol Channel, where it ends in lat. 51° 29′ N., long. 2° 47′ W.

In addition to these references, which might be made far more numerous, if necessary, we have many instances in the boundaries of charters, of trees, stones and posts set up in Wóden's name, and apparently with the view of giving a religious sanction to the divisions of land. In this, as in other respects, we find a resemblance to Hermes. It is also to be borne in mind that many hills or other natural objects may in fact have been dedicated to this god, though bearing more general names, as O'sbeorh, Godeshyl and so forth.

One of the names of Odin in the Old-norse mythology is *Osk*, which by an etymological law is equivalent to the German *Wunsch*, the Anglosaxon *Wisc*, and the English *Wish*. Grimm has shown in the most convincing manner that *Wunsch* may be considered as a name of Wuotan in Germany[1]; and it is probable that *Wúsc* or *Wísc* may have had a similar power here. Among the names in the mythical genealogies we find Wúscfreá, *the lord of the wish*, and I am even inclined to the belief that Oisc, equivalent to E'sk, the founder of the Kentish line of kings, may be a Jutish name of Wóden in this form,—ésc, or in an earlier form óski, *i. e.*

[1] Deut. Myth. p. 126 *seq.*

Wunsch, Wýsc[1]. In Devonshire to this day all magical or supernatural dealings go under the common name of *Wishtness*: can this have any reference to Wóden's name Wýsc? So again a bad or unfortunate day is a *wisht* day: perhaps a diabolical, heathen, accursed day. There are several places which appear to be compounded with this name; among them: *Wishanger* (*Wíschangra* or Wóden's meadow), one, about four miles S.W. of Wanborough in Surrey, and another near Gloucester; *Wisley* (*Wíscleáh*) also in Surrey; *Wisborough* (probably *Wíscbeorh*) in Sussex; *Wishford* (probably *Wíscford*) in Wiltshire.

2. ÞUNOR, in Old-norse ÞORR, in Old-german DONAR.—The recognition of Ðunor in England was probably not very general at first: the settlement of Danes and Norwegians in the ninth and following centuries may have extended it in the northern districts. But though his name is not found in the genealogies of the kings, there was an antecedent probability that some traces of his worship would be found among the Saxons. Thunar is one of the gods whom the Saxons of the continent were called upon to renounce, and a total abnegation of his authority was not to be looked for even among a race who considered Wóden as the supreme god. That the fifth day of the week was called by his name is well known: Thursday

[1] Oisc in the form in which the earliest authorities give this name. Æsc is certainly later, and may have been adopted only when the original meaning of Oisc had become forgotten.

is Ðunres dæg, *dies Jovis*; and he is the proper representative of Jupiter, inasmuch as he must be considered in the light of the thundering god, an elemental deity, powerful over the storms, as well as the fertilizing rains[1]. His peculiar weapon, the mace or hammer, seems to denote the violent, crushing thunderbolt, and the Norse myth represents it as continually used against the giants or elemental gods of the primal world. In a composition whose antiquity it is impossible to ascertain, we may still discover an allusion to this point: in the Christian Ragna Ravk, or *Twilight of the Gods*, it was believed that a personal conflict would take place between the divinity and a devil, the emissary and child of Satan: in the course of this conflict, it is said: "se Ðunor hit þyrsce ðmid ðære fýrenan æxe," the thunder will thresh it with the fiery axe[2]; and I am inclined to see a similar allusion in the Exeter Book, where the lightning is called *rynegiestes wæpn*, the weapon of Avkv Ðórr, the *car-borne god*, Thunder[3].

The names of places which retain a record of Ðunor are not very numerous, but some are found: among them *Thundersfield*, Ðunresfeld, in Surrey[4]; *Thundersley*, Ðunresleáh, in Essex, near Saffron Walden; *Thundersley*, Ðunresleáh, also in Essex, near Raylegh, and others in Hampshire[5]. Near

[1] See the quotation from Adam of Bremen, p. 337.

[2] Salomon and Saturn, pp. 148, 177.

[3] Cod. Exon. p. 386. l. 8.

[4] Cod. Dipl. Nos. 270, 314, 363, 413.

[5] Cod. Dipl. Nos. 450, 781, 784, 1022, 1038. Some of these are not in Essex, but Hampshire.

Wanborough in Surrey is *Thursley*, which may have been a Đunresleáh also: it is unlikely that it was ever Đóresleáh, from Đórr (the Norse form of Đunor), but it might have been Đyrsleáh, the meadow of the giant or monster. Very near Thursley is a hill called *Thunder hill*, probably Đunres hyl. A similar uncertainty hangs over *Thurleigh* in Bedfordshire, *Thurlow* in Essex, *Thursby* in Cumberland, *Thursfield* in Staffordshire, and *Thursford* in Norfolk[1]. The name of Đunor was, to the best of my knowledge, never borne by any man among the Anglosaxons, which is in some degree an evidence of its high divinity. The only apparent exception to this assertion is found in an early tale which bears throughout such strong marks of a mythical character as to render it probable that some legend of Đunor was current in England; especially as its locality is among the Jutish inhabitants of Kent. According to this account, Ecgbert the son of Eorcenberht, the fourth Christian king of Kent, had excluded his cousins from the throne, and fearing their popularity determined on removing them by violence. The thane Thuner divined and executed the intentions of his master. Under the king's own throne were the bodies concealed; but a light from heaven which played about the spot revealed the crime: the king paid to their sister the wergyld of

[1] The analogy of Thursday, which was unquestionably Thundersday, must be allowed its weight in considering these local names. Even Đyrs itself, at one period of Anglosaxon development, might represent Đunor, and the resemblance of names thus lead to a little straining of the true one.

the slain princes: a hind, let loose, defined the boundaries of the grant which was to make compensation for the murder: forty-eight hides of land thus became the property of Domneva, and the repentant king erected upon them a monastery. The assassin Thuner, however, added to his guilt the still higher atrocity of sneering at the king's repentance and its fruits: the earth suddenly opened beneath his feet and swallowed him; while the church placed the names of his victims, Æðelred and Æðelberht, on the list of its martyrs. Any comment upon this, as a historical transaction, would be perfectly superfluous, but it may possibly contain some allusion of a mythological nature; for it seems that the very fact of Ðunor's not being a god generally worshiped in England, would render him likely to form the foundation of heroic stories. I will not absolutely say that the dragon-slaughter of Beówulf is a direct reference to the myth of Ðunor, though this is possible. Another hero of Anglosaxon tradition bears the name of the "Wandering Wolf;" he slew five-and-twenty dragons at daybreak, "on dægræd;" and fell dead from their poison, as Thórr does after slaying Midgard's orm, and Beówulf after his victory over the firedrake. The wolf however is a sacred beast of Wóden, and these names of Wandering wolf, Mearcwulf, etc. may have some reference to him, especially as we learn from Grimm that in some parts of Denmark the wild huntsman, who is unquestionably Wóden, bears the name of the flying Marcolf[1]. The heathen character of the

[1] Deut. Myth. p. 530 (ed. 1835).

whole relation is proved by the fact of the "famous sailor on the sea," the "wandering wolf" being represented as the friend of Nebrond, probably Nimrod[1].

One of the names by which Đunor is known in Germany is Hamar[2], which was perhaps originally derived from his weapon. This has become almost synonymous with *devil*. Perhaps the same allusion lurks in one or two names of places in England: in the immediate neighbourhood of Thursley in Surrey, and at a short distance from Thunderhill, are some ponds known by the name of the *Hammer-ponds*. It is remarkable that within two or three miles of Thursley and the Hammer-ponds, three singular natural mounds which form most conspicuous objects upon a very wild and desert heath, should bear the name of the Devil's Jumps, while at a short distance a deep valley is known by that of the Devil's Punchbowl, probably at some early period, the Devil's Cup, Đunres-cup or the Hamer-cup. The word Hamarden occurs in the boundaries of charters[3]; and other places recall the same name: thus *Hameringham* in Lincoln, *Hamerton* in Huntingdon, *Homerton* in Middlesex (hardly *Hammersmith* in Middlesex), *Hamerton Green* in Yorkshire, *Hamerton Kirk* in Yorkshire, *Hammerwick* in Staffordshire.

3. TIW, the Old-norse TYR, and Old-german ZIU.—The third day of the week bears among us

[1] Sal. Sat. p. 156.
[2] Deut. Myth. p. 166.
[3] Cod. Dipl. Nos. 999, 1039, 1189.

the name of the god Tíw, the Old-norse Týr. In like manner we find him also giving his name to places. In the neighbourhood so often referred to in this chapter, and which seems to have been a very pantheon of paganism[1], not far from Thursley or from Wanborough, we find Tewesley, which I have no scruple to pronounce the ancient Tíwesleáh. Tísleáh[2] seems to denote the same name, and it is probable that even a race acknowledged this god as its founder,—the Tiwingas, who gave their name to Tewing in Herts. Tiwes mére[3] seems to be the *mere* or lake of Tiw, and in another charter we have also Teówes þorn[4], which goes far towards substantiating the German form Ziu.

The Anglosaxon glossaries are perfectly accurate when they give the rendering *Mars* for Tíw[5], and Tíwesdæg is rightly *dies Martis*. It cannot be doubted that our forefathers worshiped this god, as a supreme giver of victory, and especially a god of battle, in some parts of Scandinavia and Germany; whether or not in England appears doubtful. In the mythology of the North he is the bravest of the gods, the one who did not scruple to place his

[1] In a circuit of a few miles (taken from Elstead with a radius perhaps of not more than four) we have Wanborough, Polstead, Thursley, the Hammer-ponds, Waverley, Tewesley, Thunderhill, Dragonhill, Wonersh, the Devil's Jumps, the Devil's Punchbowl, Wishanger, Eshing, Loseley (Loces leáh?), Godalming (Godhelminghám), and—as I believe, in close connexion with these—Gyldhill, Guildford, Guilddown, Frensham (Fremeshám), Tilford, Tilhill, Markwick, Ash, and Unstead.

[2] Cod. Dipl. No. 739. [3] Ibid. No. 262. [4] Ibid. No. 174.

[5] Mone's Epinal Glosses gives Tiig, *Mars*, No. 520, and Lye does the same without a reference, but no doubt from some MS. glossary. The form is in the same relation to Tiw as Higan to Hiwan, or gesegen *risus* to gesewen; but the long vowel is assured by the double *i*.

hand in the mouth of the wolf Fenris, when he demanded a pledge that the gods would unbind the chain they had forged for him, and on their breach of faith Týr paid the penalty[1]. The Roman historian tells of the Hermunduri having vowed to sacrifice the beaten Catti to Mercury and Mars, by which vow the whole of the horses and men belonging to the defeated force were devoted to slaughter. Jornandes says of the Goths, "Martem semper asperrima placavere cultura; nam victimae ejus mortes fuere captorum, opinantes bellorum praesulem aptius humani sanguinis effusione placatum[2]." Procopius tells the same tale of his Θουλίται, that is the Scandinavians: τῶν δὲ ἱερείων σφίσι τὸ κάλλιστον ἄνθρωπος ἐστιν, ὅνπερ ἂν δοριάλωτον ποιήσαιντο πρῶτον· τοῦτον γὰρ τῷ Ἄρει θύουσιν, ἐπεὶ θεὸν αὐτὸν νομίζουσι μέγιστον εἶναι[3]. The Norsé traditions, although they acknowledge Odinn as the giver of victory, are still very explicit as to Týr: he is particularly Wígaguð, *deus praeliorum*, and an especial granter of success in battle, "ræðr miöc sigri í orostom[4]." Perhaps the Tencteri may be added to the number of those who paid an especial honour to Týr (in German Ziu), since Tacitus makes them say, "communibus deis et praecipuo deorum Marti grates agimus[5]," where it is not at all necessary to suppose Wóden meant; and Grimm has good rea-

[1] Hence in Norse he is called the *one-handed* god, as Odinn is the *one-eyed*. The Teutonic gods, unlike the Indian, have not a superfluity, but on the contrary sometimes a lack, of limbs. It is otherwise with their horses, etc.

[2] Hist. Goth. cap. v.

[3] Bell. Goth. ii. 15.

[4] Grimm, D. Myth. p. 179.

[5] Hist. iv. 64.

son to number the Suevi among the worshipers of Ziu[1].

The Anglosaxon runic alphabet, which in several letters recalls the names or attributes of the ancient gods, uses Tír for T: the German runes wanting a Z=T, apply Ziu: there is however another rune, similar in shape to the runic T, but having the power of EA; this bears the name of Ear, but sometimes also in MSS. that of Tír: there are etymological grounds on which the word Tír, *gloria*, must be connected with Tíw, and we are hence led to the supposition that Ear may have been another name for that god. This gains a great importance when we bear in mind that in some parts of south Germany, the third day of the week is called, not Zistag, but Ertag, Eritag, Erichtag, for which we should indeed have expected Erestag: and when we find in Saxon Westphalia an undeniably heathen spot called Eresburg, *Mons Martis*, now Mersberg, i. e. Eresberg, the hill of Er, Ziu or Mars.

Now the Anglosaxon poem on the runic characters has something to tell us of Ear. It says of him,

Ear bið égle
eorla gehwylcum,
ðonne fæstlíce
flǽsc onginneð
hrá cólian,
hrúsan ceósan
blác tó gebeddan.
Blǽda gedrécosað,
wynna gewítað,
wera geswícað[2].

[1] Deut. Myth. pp. 180, 181.

[2] On the Runes of the Anglosaxons, by J. M. Kemble. Archaeologia, vol. xxviii.

that is, " Ear is a terror to every man, when fast the flesh, the corpse beginneth to become cold and pale to seek the earth for a consort. Joy faileth, pleasure departeth, engagements cease." It is clear that Ear, *spica, arista*, will not explain this, and we may believe that our forefathers contemplated the personal intervention of some deity whose contact was death. This may have been Tíw or Ear, especially in the battle-field, and here he would be equivalent to the Ἄρης βροτολοιγὸς μιαιφόνος of Homer.

More than this we shall hardly succeed in rescuing: but there yet remains a name to consider, which may possibly have tended to banish the more heathen one of Tíw. Among all the expressions which the Anglosaxons used to denote a violent death, none is more frequent than wíg fornam, or wíg gesceód, in which there is an obvious personality, Wíg (*War*) ravished away the doomed: here no doubt *war* was represented as personally intervening, and slaying, as in other similar cases we find the feminines Hild, Gúð, which are of the same import, and the masculines Swylt, Deáð, *mors*. The abstract sense which also lay in the word *wíg*, and enabled it to be used without offence to Christian ears, may have been a reason for its general adoption in cases where at an earlier period Tíw would have been preferred. Old glossaries give us the rendering Wíg *Mars*, and Hild, *Bellona*: it is therefore not at all improbable that these words were purposely selected to express what otherwise must have been referred to a god of perilous influence: Wíg was a more general, and therefore less dangerous name than Tíw, to recal to the memory of a

people prone to apostasy. That the latter survived in the name of a weekday serves only to show that it was too deeply grounded to be got rid of; perhaps its very familiarity in that particular relation rendered it safe to retain the name of any deity, as was done by five out of the seven days. But Christianity was tolerant of heathen names in other than heathen functions, and in the genealogy of the kings of Wessex, Wíg is the father of Gewis, the eponymus of the race. I have already expressed my belief that this name represented either Wóden or Tíw, and think it very likely that it was the latter, inasmuch as the paganism of the Gewissas seems to have been remarkable, beyond that of other Anglo-saxon tribes: "Sed Britanniam perveniens, ac primum Gewissorum gentem ingrediens, cum omnes ibidem paganissimos inveniret," etc.[1] "Intrante autem episcopo in portum occidentalium Saxonum, gentem qui antiquitus Gewisse vocabantur, cum omnes ibidem paganissimos inveniret," etc.[2] The events described are of the year 634. We find that Tíw enters into the composition of the names of a few plants[3]; on the other hand it is never found in the composition of proper names, any more than Tír; although *now* Tírberht or Tírwulf would seem quite as legitimate compounds as Eádberht, Sigeberht, Eádwulf, Sigewulf.

FREA', in Old-norse FREYR, in Old-german FRO.—The god whom the Norse mythology cele-

[1] Beda, Hist. Ecc. iii. 7. [2] Johann Tynem. Legend. Nova, fol. 28.
[3] Thus Old-norse Týsfiola, Týrhjalm, Týsviðr.

brates under the name of Freyer must have borne among us the name of Freá. It is probable that he enjoyed a more extensive worship in all parts of Europe than we can positively demonstrate. At present we are only enabled to assert that the principal seat of his worship was at Upsala among the Swedes. In general there is not much trace in the North of phallic gods; but an exception must be made at once in the case of Freyr. One of the most beautiful poems of the Edda[1] tells how Freyr languished for desire of the beautiful Gerdr; it was for her love that he lost the sword, the absence of which brings destruction upon him in the twilight of the Gods. The strongest evidence of his peculiar character is found in the passage already cited from Adam of Bremen[2], and what he says of the shape under which Frea was represented at Upsala: "Tertius est Fricco, pacem, voluptatemque largiens mortalibus; cujus etiam simulachrum fingunt ingenti Priapo." The fertilizing rains, the life-bringing sunshine, the blessings of fruitfulness and peace were the peculiar gifts of Freyr[3]; and from Adam of Bremen again we learn that he was the god of marriage: "Si nuptiae celebrandae sunt (sacrificia offerunt) Fricconi." In his car he travelled through the land, accompanied by a choir of young and

[1] För Skirnis. The legend of Geát and Mæðhild however must have been of this character: and thus Wóden may have been in some sort a phallic Hermes.

[2] M. Adami Bremensis lib. de situ Daniae. Ed. 1629, p. 23. Ihre, in his Gloss. Sueogoth. mentions forms dug up in the North which clearly prove the prevalence of phallic rites.

[3] See Grimm, Mythol. p. 193 *seq.*

blooming priestesses[1], and wherever he came plenty and peace abounded. The beast sacred to Freyr was the boar, and it is not improbable that various customs and superstitions connected with this animal may have had originally to do with his worship. It is not going too far to assert that the boar's head which yet forms the ornament of our festive tables, especially at Christmas, may have been inherited from heathen days, and that the vows made upon it, in the middle ages, may have had their sanction in ancient paganism. But it is as an amulet that we most frequently meet with the boar in Anglosaxon. Tacitus says of the Æstyi, that, in imitation of the Suevish custom, "Matrem deum venerantur; insigne superstitionis, formas aprorum gestant. Id pro armis omniumque tutela; securum deae cultorem etiam inter hostes praestat[2]." The relation between Freá and the *Mater deorum* is a near one. Now the Anglosaxon poems consider a boar's form or figure so essential a portion of the helmet, that they use the word eofor, *aper*, for that part of the armour:.

hét ðá inberan	he commanded them to bring in
eofor heáfordsegn,	the boar (i. e. helmet) the ornament of the head,
heaðosteápne helm.	the helmet lofty in battle[3].

And still more closely, with reference to the virtues of this sign:

eoforlíc scionon	the forms of boars they seemed
ofer hleor beran	above their cheeks to bear

[1] Fornman. Sög. ii. 73 *seq.*

[2] Germ. xlv.

[3] Beów. l. 4299 *seq.*

gehroden golde,	adorned with gold,
fáh and fýrheard	various and hardened in the fire
ferhwearde heóld.	it held the guard of life[1].

And again,

ac se hwíta helm	but the white helmet
hafelan werede,	guarded the head,
.....	.....
since geweorðad,	adorned with treasure,
befongen freawrásnum,	set about with lordly signs,
swá hine fyrndagum	as it in days of yore
worhte wæpna smið,	the armourer made,
wundrum teóde,	wondrously produced,
besette swínlícum,	set it about with shapes of boars,
ðæt hine syððan nó	that afterwards neither
brond né beadomecas	brand nor warknife
bítan ne meahton.	might penetrate it[2].

Grimm citing this passage goes so far as even to render "freá wrasnum" by *Frothonis signis*, and thus connects it at once with Freá[3]; and we may admit at all events the great plausibility of the suggestion. But though distinct proof of Freá's worship in England cannot be supplied during the Saxon period, we have very clear evidence of its still subsisting in the thirteenth century. The following extraordinary story is found in the Chronicle of Lanercost[4], an. 1268. "Pro fidei divinae integritate servanda recolat lector quod, cum hoc anno in Laodonia pestis grassaretur in pecudes armenti, quam vocant usitate Lungessouth, quidam bestiales,

[1] Beów. l. 604 *seq.*

[2] Ibid. l. 2895.

[3] Mythol. p. 195.

[4] Edited in 1839 by the Rev. J. Stevenson for the members of the Bannatyne and Maitland Clubs.

habitu claustrales non animo, docebant idiotas patriae ignem confrictione de lignis educere et simulachrum Priapi statuere, et per haec bestiis succurrere. Quod cum unus laicus Cisterciencis apud Fentone fecisset ante atrium aulae, ac intinctis testiculis canis in aquam benedictam super animalia sparsisset; ac pro invento facinore idolatriae dominus villae a quodam fideli argueretur, ille pro sua innocentia obtendebat, quod ipso nesciente et absente fuerant haec omnia perpetrata, et adiecit, et cum ad usque hunc mensem Junium aliorum animalia languerent et deficerent, mea semper sana erant, nunc vero quotidie mihi moriuntur duo vel tria, ita quod agricultui pauca supersunt."

Fourteen years later a similar fact is stated to have occurred in a neighbouring district, at Inverkeithing, in the present county of Fife.

"Insuper hoc tempore apud Inverchethin, in hebdomada paschae [Mar. 29—Ap. 5], sacerdos parochialis, nomine Johannes, Priapi prophana parans, congregatis ex villa puellulis, cogebat eas, choreis factis, Libero patri circuire; ut ille feminas in exercitu habuit, sic iste, procacitatis causa, membra humana virtuti seminariae servientia super asserem artificiata ante talem choream praeferebat, et ipse tripudians cum cantantibus motu mimico omnes inspectantes et verbo impudico ad luxuriam incitabat. Hi qui honesto matrimonio honorem deferebant, tam insolente officio, licet reverentur personam, scandalizabant propter gradus eminentiam. Si quis ei seorsum ex amore correptionis

sermonem inferret, fiebat deterior, et conviciis eos impetebat."

It appears that this priest retained his benefice until his death, which happened in a brawl about a year later than the events described above; and it is very remarkable that the scandal seems to have been less at the rites themselves than at their being administered by a person of so high a clerical dignity. Grimm had identified Freyr or Frowo with Liber: it will be observed that his train of reasoning is confirmed by the name Liber Pater, given in the chronicler's recital. The union of the *Needfire* with these Priapic rites renders it proper to devote a few words to this particular superstition.

The needfire, nýdfýr, New-german nothfeuer, was called from the mode of its production, *confrictione de lignis*, and though probably common to the Kelts[1] as well as Teutons, was long and well known to all the Germanic races at a certain period. All the fires in the village were to be relighted from the virgin flame produced by the rubbing together of wood, and in the highlands of Scotland and Ireland it was usual to drive the cattle through it, by way of lustration, and as a preservative against disease[2].

[1] See Jamieson's Scottish Dictionary, voc. *Beltane*, and Boucher's Glossary by Stevenson.

[2] In the Mirror of June 24th, 1826, there is the account of this having been done in Perthshire, on occasion of a cattle epidemic. "A wealthy old farmer, having lost several of his cattle by some disease very prevalent at present, and being able to account for it in no way so rationally as by witchcraft, had recourse to the following remedy, recommended to him by a weird sister in his neighbourhood, as an effectual protection from the attacks of the foul fiend. A few stones were piled together in the barnyard, and woodcoals having been laid

But there was another curious ceremony connected with the lighting of fires on St. John's Eve,—probably from the context, on the 23rd of June. A general reference for this may be made to Grimm's Mythologie, pp. 570–592, under the several heads of Nothfeuer, Bealtine and Johannisfeuer; but the following passage, which I have not seen cited before, throws light on Grimm's examples, and adds some peculiarities of explanation. It is found in an ancient MS. written in England, and now in the Harleian collection, No. 2345, fol. 50.

"Eius venerandam nativitatem cum gaudio celebrabitis; dico eius nativitatem cum gaudio; non illo cum gaudio, quo stulti, vani et prophani, amatores mundi huius, accensis ignibus, per plateas, turpibus et illicitis ludibus, commessationibus, et ebrietatibus, cubilibus et impudicitiis intendentes illam celebrare solent..... Dicamus de tripudiis quae in vigilia sancti Johannis fieri solent, quorum tria genera. In vigilia enim beati Johannis colligunt pueri in quibusdam regionibus ossa, et quaedam alia immunda, et insimul cremant, et exinde producitur fumus in aere. Faciunt etiam brandas et circuunt árva cum brandis. Tercium de rota

thereon, the fuel was ignited by *will-fire*, that is fire obtained by friction; the neighbours having been called in to witness the solemnity, the cattle were made to pass through the flames, in the order of their dignity and age, commencing with the horses and ending with the swine. The ceremony having been duly and decorously gone through, a neighbouring farmer observed to the enlightened owner of the herd, that he, along with his family, ought to have followed the example of the cattle, and the sacrifice to Baal would have been complete." The *will-fire* has been used in Devonshire for the same purpose, within the memory of man.

quam faciunt volvi: quod, cum immunda cremant, hoc habent ex gentilibus. Antiquitus enim dracones in hoc tempore excitabantur ad libidinem propter calorem, et volando per aera frequenter spermatizabantur aquae, et tunc erat letalis, quia quicumque inde bibebant, aut moriebantur, aut grave morbum paciebantur. Quod attendentes philosophi, iusserunt ignem fieri frequenter et sparsim circa puteos et fontes, et immundum ibi cremari, et quaecumque immundum reddiderunt fumum, nam per talem fumum sciebant fugari dracones .... Rota involvitur ad significandum quod sol tunc ascendit ad alciora sui circuli et statim regreditur, inde venit quod volvitur rota."

An ancient marginal note has *bonfires*, intending to explain that word by the bones burnt on such occasions. Grimm seems to refer this to the cult of Baldr or Bældæg, with which he connects the name Beltane; but taking all the circumstances into consideration, I am inclined to attribute it rather to Freá, if not even to a female form of the same godhead, Fricge, the Aphrodite of the North. Freá seems to have been a god of boundaries; probably as the giver of fertility and increase, he gradually became looked upon as a patron of the fields. On two occasions his name occurs in such boundaries, and once in a manner which proves some tree to have been dedicated to him. In a charter of the year 959 we find these words: "ðonne andlang herpaðes on Frigedæges treów,"—thence along the road to Friday's (that is Frea's) tree[1]; and in a

[1] Cod. Dipl. No. 1221.

similar document of the same century we have a boundary running "oð ðone Frigedæg." There is a place yet called Fridaythorpe, in Yorkshire. Here Frigedæg appears to be a formation precisely similar to Bældæg, Swæfdæg, and Wægdæg, and to mean only Freá himself.

BALDÆG, in Old-norse BALDR, in Old-german PALTAC.—The appearance of Bældæg among Wóden's sons in the Anglosaxon genealogies, would naturally lead us to the belief that our forefathers worshiped that god whom the Edda and other legends of the North term Baldr, the father of Brand, and the Phœbus Apollo of Scandinavia. Yet beyond these genealogies we have very little evidence of his existence. It is true that the word *bealdor* very frequently occurs in Anglosaxon poetry as a peculiar appellative of kings,—nay even as a name of God himself,—and that it is, as far as we know, indeclinable, a sign of its high antiquity. This word may then probably have obtained a general signification which at first did not belong to it, and been retained to represent a king, when it had ceased to represent a god. There are a few places in which the name of Balder can yet be traced: thus Baldersby in Yorkshire, Balderston in Lancashire, Bealderesleah and Baldheresbeorh in Wiltshire[1]: of these the two first may very likely have arisen from Danish or Norwegian influence, while the last is altogether uncertain. Save in the genealogies the name Bældæg does not occur at all.

[1] Cod. Dipl. No. 1059, 92.

But there is another name under which the Anglo-saxons may possibly have known this god, and that is Pol or Pal.

In the year 1842 a very extraordinary and very interesting discovery was made at Merseberg: upon the spare leaf of a MS. there were found two metrical spells in the Old-german language: these upon examination were at once recognized not only to be heathen in their character, but even to contain the names of heathen gods, perfectly free from the ordinary process of Christianization. The one with which we are at present concerned is in the following words:

Phol endi Wódan	Phol and Wódan
vuorun zi holza,	went to the wood,
da wart demo Balderes volon	then of Balder's colt
sin vuoz birenkit;	the foot was wrenched;
thu biguolen Sinthgunt,	then Sinthgunt charmed him,
Sunná era suister,	and her sister Sunna,
thu biguolen Frúá,	then Frua charmed him,
Vollá era suister,	and her sister Folla,
thu biguolen Wódan,	then Wóden charmed him,
só he wola conda:	as he well could do:
sosé bénrenki, sóse bluotrenki,	both wrench of bone, and wrench of blood,
sosé lidirenki;	and wrench of limb;
bén zi béna,	bone to bone,
bluot zi bluoda,	and blood to blood,
lid zi geliden,	limb to limb,
sóse gelímida sín.	as if they were glued together.

The general character of this poem is one well known to us: there are many Anglosaxon spells of the same description. What makes this valuable beyond all that have ever been discovered, is the

number of genuine heathen names that survive in it, which in others of the same kind have been replaced by other sanctions; and which teach us the true meaning of those which have survived in the altered form. In a paper read before the Royal Academy of Sciences in Berlin, Grimm identified Phol with Baldr[1], and this view he has further developed in the new edition of his Mythology[2]. It is confirmatory of this view that we possess the same spell in England, without the heathendom, and where the place of the god Baldr is occupied by that of our Lord himself. The English version of the spell runs thus:

The lord rade,
and the foal slade;
He lighted
and he righted;
set joint to joint
and bone to bone,
sinew to sinew.
Heal, in the Holy Ghost's name[3]!

It will be admitted that this is something more than a merely curious coincidence, and that it leads to an induction of no little value. Now it appears to me that we have reasonable ground to believe our version quite as ancient and quite as heathen as the German one which still retains the heathen names, and that we have good right to suppose that it once referred to the same god. How

[1] "Ueber zwei entdeckte Gedichte aus der Zeit des deutschen Heidenthums. Von Jacob Grimm. Vorgelesen in der Königl. Akademie der Wissenschaften, am 3 Febr. 1842, pp. 10, 11.

[2] Deut. Mythol. p. 205. [3] Chalmers's Nursery Tales.

then was this god named in England? Undoubtedly Pol or Pal[1]. Of such a god we have some obscure traces in England. We may pass over the Appolyn and Apollo, whom many of our early romancers number among the Saxon gods, although the confused remembrance of an ancient and genuine divinity may have lurked under this foreign garb, and confine ourselves to the names of places bearing signs of Pol or Pal. Grimm has shown that the dikes called Phalgraben in Germany are much more likely to have been originally Pfol-

[1] Though little fond of modern Anglosaxon verses, of modern Latin hexameters or modern Greek iambics, I shall give a translation of these two spells, for the purpose of comparison:

Pol and Wóden
tó wuda fóron
Bealdres folan wearð
fót bewrenced;
ðá hine Síðgúð begól,
Sunne hire sweoster,
ðá hine Fryge begól,
Folle hire sweoster,
ðá hine Wóden begól
swá he wel cúðe:
swá sý bánwrence, swá sý blodwrence,
swa sý liðwrence;
bán tó báne,
blód tó blóde,
lið tó liðe,
swá swá gelímede sýn.

And thus the English one:

Dryhten rád,
fola slád;
se lihtode
and rihtode;
sette lið tó liðe
eác swá bán tó báne,
sinewe tó sinewe.
Hál wes ðú, on ðæs Hálgan Gástes naman!

graben, and his conclusion applies equally to Palgrave, two parishes in Norfolk and Suffolk:—so Wódnes Díc, and the Devil's Dike between Cambridge and Newmarket. Polebrooke in Northamptonshire, Polesworth in Warwickshire, Polhampton in Hants[1], Polstead in Suffolk, Polstead close under Wanborough (Wódnesbeorh) in Surrey, —which is remarkable for the exquisite beauty of its springs of water,—Polsden in Hants, Polsdon in Surrey, seem all of the same class. To these we must add Polsley and Polthorn, which last name would seem to connect the god with that particular tree: last, but not least, we have in Poling, in Sussex, the record of a race of Polingas, who may possibly have carried up their genealogy to Bældæg in this form.

The myth of Baldr in the North is one of the most beautiful and striking in the whole compass of their mythology: it is to be lamented that no trace of it remains in our own poems. Still Baldr's lay may not have been entirely without influence upon the progress of Christianity among the Saxons, if, as is probable, it resembled in its main features the legend of the Scandinavians. For them he was the god of light and grace, of splendour, manly excellence and manly beauty. A prophecy that Baldr would perish afflicted the gods; Frigga took an oath from all created nature that no individual thing would harm the pride of the Æsir, the dar-

[1] Polhæmatún. Cod. Dipl. Nos. 642, 752, 1136, 1187. Polesleáh in Wilts. Cod. Dipl. No. 641. Polstede in Suffolk. Cod Dipl. No. 685. Polþorn in Worcester. Cod. Dipl. No. 61. Pollehám, No. 907.

ling of the Asyniar. A sprig of mistletoe, at that time too young to enter into so solemn an obligation, was alone, and fatally, excepted. The invulnerability of the god induced him to offer himself as a mark for the practice of his relatives and friends. Maces, axes and spears fell innocuous from his sacred frame; but Loki placed a sprig of mistletoe in the hand of the blind Haudr[1], and with this, the sole thing that could not be forsworn, he slew his brother. An effort still remained to be made. Oþinn himself descended to the abode of Hel, in hopes of persuading the goddess of the dead to relinquish her prey. He was successful, and returned with the joyful intelligence that Baldr would be restored to the gods, if all created nature would weep for him. All nature did weep for the loss of the god of beauty, save one old crone. When called upon to do her part in his restoration she answered, "What have the gods done for me, that I should weep for Baldr? Let Hel keep her dead!" It is thought that it was Loki who had assumed the old woman's form. Thus Baldr's fate was sealed. The faithful Nanna[2] would not survive her beautiful lord, and the gods and goddesses attended round the pile on which their two cherished companions were re-

[1] In Anglosaxon, Heaðo, which however has almost always the abstract sense of *war*.

[2] In Anglosaxon, Nóð: this occurs rarely save in composition, where it seems to denote bravery or courage. But it is to be observed that nóð is the name of a ship or large boat; and it is worth inquiry whether the Teutonic goddess Zíza, probably in Anglosaxon Táte, may not have been identical with this Nanna, instead of Frouwa. The dragging about a boat or ship was peculiar to Zíza's worship. Deut. Myth. p. 237, *seq.*

duced to dust together. But the slain god could hope for no resurrection: his throne was placed in the shadowy realm of Hel, and weeping virgins spread the eternal pall that was to give dreary honour to the god of light in the cold kingdom of darkness and the invisible. The posthumous son, or more likely rebirth, of the god, avenged his father upon the wretched instrument of Loki's wiles. Yet those who had fathomed the deeper mysteries of the creed knew well enough that Baldr was to rise again in triumph: after the twilight of the gods and the destruction of the ancient world, he was to return in glory and joy, and reign in a world where there should be neither sin nor sorrow, nor destruction.

Of these details, the Anglosaxon mythology knows nothing, in the forms which have survived: and perhaps in this peculiar myth we may recognize something of an astronomical character, which can certainly not be attributed to other Northern legends. However this may be, we must content ourselves with the traces here given of Pol, as one form of Baldr, and with the genealogical relation which has been noticed. Meagre as these facts undoubtedly are, they are amply sufficient to prove that the most beloved of the Northern gods was not altogether a stranger to their children in this island. Perhaps the adoption of another creed led to the absorption of this divinity into a person of far higher and other dignity, which, while it smoothed the way for the reception of Christianity, put an end for ever to even the record of his sufferings.

GEA'T, in Old-norse GAUTR, in Old-German KO'Z.—A cursory allusion has already been made to Geát, probably only another form of Wóden, since in the mythology of the North, Oþinn is Gaútr, but certainly the eponymus of the Geátas, that tribe of whom Beówulf was the champion and afterwards the king. Geát appears in the West-saxon genealogy as a progenitor of Wóden, but this collocation is unimportant in mythological inquiries. It is probable that Gapt, whom Jornandes places at the head of the Gothic genealogy, is only a misreading of Gavt, which is the equivalent Gothic form of Geát, and that Sigegeát, Angelgeát, Waðelgeát, which occur in other Anglosaxon genealogies, are identical with him[1]... His love for Mæðhild, a legend unknown to all the nations of the North, save our own forefathers, is noticed in the Exeter Book: it is there said,

We ðæt Mæðhilde	To Mæðhild, we
monge gefrunon	the tale have heard,
wurdon grundleáse	that endless was
Geátes frige	the love of Geat,
ðæt him seó sorglufu	so that the pain of love
slæp ealle binom.	took all sleep from him[2].

It is much to be regretted that this is all we learn on this subject, which becomes very interesting when

[1] And see Geijer, Gesch. Schwed. i. 30. Gaut, Gautrek, Algaut, Gauthilld. Yngl. Sag. cap. 38.

[2] Cód. Exon. p. 378. If Geát really be Wóden, this is another approximation to Hermes in his phallic character. Altogether the myth of the ἱερὸς γάμος, so constant in Greek mythology, is scarcely traceable in the North. The Wóden worship, at least, may have had something more of the character of the Apollo worship among the Dorians.

we remember how little trace there is of phallic gods in the Northern mythology. But that Geát was a god, and not merely a hero, is not left entirely to inference: it is distinctly asserted by various and competent authorities: Nennius has declared him to have been *filius dei*, not indeed the God of Hosts, and God of Gods, but of some idol[1]. But Asser, who was no doubt well acquainted with the traditions of Ælfred's family, says[2],

"Quem Getam dudum pagani pro deo venerabantur,"

which is repeated in the same words by Florence of Worcester[3] and Simeon of Durham[4], and is contained in a Saxon genealogy preserved in the Textus Roffensis, "Geáta, ðene ða hæðenan wurðedon for God." We can therefore have no scruple about admitting his divinity; and a comparison of the Gothic and Scandinavian traditions proves the belief in it to have been widely held. The name, which is derived from *geotan*, to pour, most probably denotes only the special form in which Wóden was worshiped by some particular tribes or families; and the occurrence of it in the genealogies, only the fact that such tribes or families formed part of the national aggregates, to whose royal line it belongs. But nevertheless we must admit the personality attributed to him by those tribes, and the probability of his having been, at least for them, the national divinity. The circumstance of his

[1] Nennius, § 31. Huntingdon follows Nennius, Hist. Angl. bk. ii.
[2] De Reb. Gest. Ælfredi, an. 849.
[3] Flor. Wig. Chron. an. 849.
[4] De Reb. Gest. Regum, an. 849.

name having left such deep traces as we perceive in the quotations given above, proves not only the especial divinity of the person, but perhaps also the political power and importance of the worshipers[1].

SÆTERE.—Among the Gods invariably mentioned as having been worshiped by our forefathers is one who answered to the Latin Saturnus, at least in name. From the seventh week-day we may infer that his Anglosaxon name was Sætere, perhaps the *Placer* or *Disposer*[2]; for Sæteresdæg seems a more accurate form than Sæternesdæg which we sometimes find. There are both names of places and of plants formed upon the name of this god: as Satterthwaite in Lancashire, Satterleigh in Devonshire and Sæteresbyrig[3] in the same county, of which there appears to be no modern representative; while among plants the *Gallicrus*, or common crowfoot, is called in Anglosaxon Satorláðe. The appearance of Saturnus as an interlocutor in such a dialogue as the Salomon and Saturn[4] is a further evidence of divinity; so that, taking all circumstances into account, it is probable that when Gregory of Tours, Geoffry of Monmouth and others, number him among the Teutonic gods, they are not entirely mistaken. Now there has been a tra-

[1] See the author's edition of Beówulf, vol. ii. Postscript to the Preface. Leo's Beówulf, etc.; and Ettmuller's Beówulf, etc., with the last of whom, upon the maturest consideration, I find it impossible to agree.

[2] Grimm seems rather to imagine *insidiator*. Myth. p. 226.

[3] Cod. Dipl. No. 813.

[4] An edition of the Anglosaxon dialogues on this subject has been put forth by the author for the Ælfric Society. To this reference may be made for full details respecting Saturnus.

dition, in Germany at least, of a god Chródo, or Hruodo, whose Latin name was Saturn, and whose figure is said to have been that of an old man standing upon a fish, and holding in one hand a bundle of flowers, while the other grasps a wheel. Grimm imagines herein some working of Slavonic traditions[1], and following the Slavonic interpreters connects this Chródo with Kirt or Sitivrat, and again with some Sanskrit legend of a Satjavrata[2]. But the reasoning seems inconclusive, and hardly sufficient to justify even the very cautious mode in which Grimm expresses himself about this Slavo-Germanic godhead[3]. More than this we cannot say of the Anglosaxon Sætere, whose name does not appear in the royal genealogies; nevertheless we cannot doubt the existence of some deity whom our forefathers recognized under that name.

[1] It is with no disrespect to the unrivalled powers of Scott that I enter my protest here against the false *costume* of Ivanhoe; a far more serious objection no doubt is the way in which his brilliant contrast, necessary to the success of a romance, has misled the historian. Had Ivanhoe not appeared, we should not have had the many errors which disfigure Thierry's Conquête de l'Angleterre par les Normands. But when Scott makes Ulrica (Ulrica a Saxon female name!) calling upon Zernebock, as a god of her forefathers, he makes her talk absolute nonsense. Some Mecklenburg or Pomeranian Saxons, in the immediate neighbourhood of Slavonic populations, or mingled with them, may possibly have heard of *their* god Czerny Bog, (*the black god*) contrasted with Bjala Bog, (*the white god*), but assuredly no Anglosaxon ever heard the name of any such deity; nor does the chaunt of the vindictive lady bear one single trace of Saxon character. In every matter of detail, the romance is only calculated to mislead; and this is to be regretted, inasmuch as the beauty of the whole work renders it a certain vehicle of error;—has rendered it already a snare to one estimable author. M. Thierry has related the effect produced upon his mind by Ivanhoe. See his Dix Ans d'Études Historiques: Preface.

[2] Deut. Myth. p. 227.

[3] See Salomon and Saturn, p. 129.

From the Gods we pass to the Goddesses: of these we have indeed but scanty record in England. Of the great and venerable goddess Fricge, Wóden's wife, we are only told that she gave her name to the sixth day of the week; and we must admit that this is all we know of her, unless she be implied under some other name, which is possible.

Beda in acquainting us with the ancient names of the Anglosaxon months tells us of four which were called from their especial reference to the gods: these are Solmónaþ or February; Hréþmónaþ, March; Eóstermónaþ, April; and Blótmónaþ, November. Solmónaþ he says received its name from the cakes which were offered to the gods at that time[1]; Blótmónaþ from the victims (cattle) that were vowed for sacrifice; of the others he says[2], "Hréþmónaþ is called from a goddess of theirs, —Rheda, to whom they sacrificed in that month. Eostermónaþ, which is now interpreted by the 'Paschal month,' had its name of old from a goddess of theirs named Eostre, to whom in this month they offered celebrations."

The Scandinavian and German mythology are alike destitute of these names; although among the many goddesses they recognize some two may perhaps be identical with ours. The name Hréþe may possibly mean *severe*, *fierce*, and denote a warlike goddess; but still I am more inclined to connect it with the adjective Hróþ, glorious, famous,

[1] Can this word *sol* (perhaps *sól*) be a contracted form of *sufl*? If not, I cannot offer an explanation of it.

[2] De Natura Rerum, cap. xv.

and to see in it the meaning of the *great* or *glorious* goddess, that is, in some form or other, Fricge, Wóden's wife: it is however not to be forgotten that the German Chrodo, in Anglosaxon Hróð or even Hréðe, is now admitted, and that this god was in fact Saturn. It is true that we have more than one fragmentary legend in which the name of Saturn survives, but in a heroic rather than a god-like form, and this may have been the cause of its preservation: the Church found Saturn useful, and kept him; nor is it at all surprising that a change of sex should have taken place: the same thing happened with the German goddess Nerthus, who reappears in the Norse god Niördr, and the classical scholar will at once remember the god Lunus, as well as the goddess Luna[1]. Whatever explanation we may attempt to give of Hréðe, it is clear that she was a Saxon goddess to whom at stated periods sacrifice was offered. The same thing may be said of Eóstre or Eástre, whose name must be etymologically connected with Eást, *oriens*, and who therefore was in all probability a goddess of brightness and splendour, perhaps also a Beorhte or Bright goddess: she may have been a goddess of light, of the morning beams, of the newly awakening year, when the sun first begins to recover power after the

[1] The name of Nerthus stands in all the best MSS. of Tacitus' Germania, and the change of it into Herthus, though very plausible, was unnecessary. One easily sees the cause of error: it was thought that Herthus, *terra mater*, was the Gothic Airthus, in Old-german Erdu, in Anglosaxon Eorðe. But there is no H in these words; if there were we should have had a Teutonic Vesta. The goddess's name was Nairthus, Nerdu, Nerðe, and her corresponding form in Old-norse, Niördr.

gloom and darkness of winter. That she was deeply impressed upon the mind and feelings of the people follows from her name having been retained for the great festival of the church: it may also be fairly argued that she was a mild and gentle divinity, whom the clergy did not fear thus to commemorate.

Lye's dictionary cites another goddess, Ricen, with the translation Diana, which he seems to have taken from some Cotton MS. It stands too isolated for us to make any successful investigation, but I may be excused for calling to mind the fact that Diana is mentioned by the versifying chroniclers as among the Saxon gods, and also that the superstition known in Germany as the "Wild Hunt," and which is properly connected with Wóden, goes very generally among us by the name of Ludus Dianae. This, which became the foundation of many a cruel persecution, under the name of witchcraft, is spread over every part of Germany in one form or another: sometimes it is Herodiadis who is compelled for ever to expiate her fatal dancing; at other times we have Minerva or Bertha, Holda, Habundia, Dame Abonde, Domina, Hera—the Lady, and so on. It is true that our fragmentary remains of Saxon heathendom do not contain any immediate allusions to this superstition, but yet it can scarcely be doubted that it did exist here as it did in every part of the continent[1], and one there-

[1] "In contrariam partem est auctoritas, xxvi q. y. c. episcopi. Ita ibi legitur. Illud non est obmittendum quod quedam scelerati mulieres retro post Sathan converse; demonum illusionibus et fantasma-

fore would not willingly decide at once against there having been some deity who might be translated by Diana in the *interpretatio Romana.*

FIENDS and MONSTERS.—The community of belief, between the Germans of this island, of the continent, and their Scandinavian kinsmen, does not appear to have been confined to the beneficent gods of fertility or warlike prowess. In the noble poem of Beowulf we are made acquainted with a monstrous fiend, Grendel, and his mother, supernatural beings of gigantic birth, stature and disposition, voracious and cruel, feeding upon men, and from their nature incapable of being wounded with mortal weapons. The triumph of the hero over these unearthly enemies forms the subject of one half the poem. But Grendel, who, from the characteristics given above, may at once be numbered among the rough, violent deities of nature, the Jotnar[1] of the North and Titans of classical mythology, is not without other records: in two or three charters we find places bearing his name, and it is remarkable that they are all connected more or less with water, while the poem describes his dwelling as a cavern beneath a lake, peopled with

tibus seducte: credunt se et profitentur cum diana nocturnis horis dea paganorum vel cum Herodiade et innumera multitudine mulierum equitare super quasdam bestias et multa terrarum spatia in tempeste noctis silentio pertransire eius iussionibus obedire veluti domine et certis noctibus ad eius servitium evocari." Hieronymi Vicecomitis opusculum Lamiarum vel Striarum. Mediol. 1490. John of Salisbury notices this in his Polychronicon, and Henry More in his Mystery of Godliness. See Salom. Sat. p. 125, *seq.*

[1] In Beówulf he is continually called Eoten.

Nicors and other supernatural beings of a fiendish character. The references are Grindles pyt[1], Grindles bece[2], and Grendles mere[3]. Grimm, by a comparison of philological and other data; identifies Grendel with the Norse Loki, the evil-bringer, and in the end destroyer of the gods[4]. The early converted Anglosaxons who possessed another devil to oppose to the Almighty in the Ragnaravkr[5], could easily reconcile themselves to the destruction of Grendel by an earthly hero; although the ancient heathendom breaks out in the supernatural powers attributed to the latter, and which placing him very near the rank of the gods, induce a belief that Beówulf contains only the shadow of an older myth which may have been current far beyond the limits of this island[6]. It will be sufficient to call attention to the many German tales in which the devil's mother figures as a principal actor, nay to our own familiar expression, *the devil's dam*, to show how essential this characteristic of the fiend was: the devil of the Church had certainly no mother; but the old Teutonic evil spirit had, and Loki and Grendel are alike in this. Even the religious view, which naturally shaped itself to other influences, could not escape the essential heathendom of this idea: the devil who is so constant an agent in the Anglosaxon legends, has, if not a mother, at least a father, no less than Satan himself; but Satan lies

[1] Cod. Dipl. No. 59.
[2] Ibid. No. 570.
[3] Ibid. No. 353.
[4] Mythologie, p. 222.
[5] The Devil and the Pater Noster were to contend together at Doomsday: each was to assume fifteen different forms. Sal. Sat. p. 145.
[6] See Beówulf, ii. Postscript, and the Stammtafel der Westsachsen.

bound in hell, as Loki lies bound, and it is only as his emissary and servant that the devil his son[1] appears on earth, to tempt and to destroy. In Cædmon, the legend of St. Andrew, Juliana, Gúðlác, etc., it is always the devil's son and satellite who executes his work on earth, and returns to give an account of his mission to him that sent him.

Thus throughout the strange confusion which besets all Anglosaxon compositions in which the devil is introduced either as a tempter or a persecutor of the holy and just, we may perceive a ray of ancient heathendom, gloomy enough, no doubt, but far less miserable than the vile materialism of the notions with which it has been mixed up. The rude *Eoten* or Titan is not nearly so repugnant to our Christian ideas as the gross corporeal fiends who have grown out of him, and who play so conspicuous a part in Anglosaxon hagiology or purgatorial legends: nor is it easy to conceive any superstition more degrading than that which Eastern or perhaps even Roman traditions thus engrafted upon the ancient creed. With these we are not called upon to deal in any further detail, for though they

[1] In the legend of Juliana, the subordinate devil speaks of Satan as his father and king. Cod. Exon. pp. 261, 273. And so also in Salomon and Saturn (p. 141), he is called Satan's thane. Again, in the same composition, Satan is called the devil's father: "The Pater Noster will shoot the devil with boiling shafts; and the lightning will burn and mark him, and the rain will be shed over him, and the thick darkness confuse him, and the thunder thrash him with the fiery axe, and drive him to the iron chain wherein his father dwelleth, Satan and Sathiel." p. 149. In the legend of St. Andrew, Satan himself appears, which may be owing to its Greek origin. See Vercelli Poems, Andr. l. 2388: still, in another passage Satan sends his children. Ibid. l. 2692.

have no claim whatever to be called Christian, they certainly have nothing to do with Anglosaxon heathendom. The Grendels and Nicors of our forefathers were gods of nature, the spirits of the wood and wave: they sunk into their degraded and disgusting forms only when the devils of a barbarous superstition came to be confounded and mixed up with them. There is still something genuine and poetical in the account which a monk of St. Gall gives of the colloquy between the ancient gods when the missionaries settled on the shores of the lake of Constance; when in the dead of night, the holy anchoret watching at his nets,

> Heard how the spirit of the flood
> Spake to the spirit of the hill:

"Volvente deinceps cursu temporis, electus Dei Gallus retia lymphae laxabat in silentio noctis, sed inter ea audivit demonem de culmine montis pari suo clamantem, qui erat in abditis maris. Quo respondente, 'Adsum!' montanus e contra: 'Surge,' inquit, 'in adiutorium mihi! Ecce peregrini venerunt, qui me de templo eiecerunt;' nam Deos conterebant, quos incolae isti colebant; insuper et eos ad se convertebant; 'Veni, veni, adiuva nos expellere eos de terris!' Marinus demon respondit: 'En unus illorum est in pelago, cui nunquam nocere potero. Volui enim retia sua ledere, sed me victum proba lugere. Signo orationis est semper clausus, nec umquam somno oppressus.' Electus vero Gallus haec audiens, munivit se undique signaculo crucis, dixitque ad eos: 'In nomine Jesu Christi praecipio vobis, ut de locis istis recedatis, nec aliquem hic

ledere praesumatis !' Et cum festinatione ad littus rediit, atque abbati suo, quae audierat, recitavit. Quod vir Dei Columbanus audiens, convocavit fratres in ecclesiam, solitum signum tangens. O mira dementia diaboli ! voces servorum Dei praeripuit vox fantasmatica, cum heiulatus atque ululatus dirae vocis audiebatur per culmina [montium[1]]."

But words are hardly strong enough to express the feeling with which an educated mind contemplates the fantastical, filthy and hideous images which gross fanaticism strove to force into the service of a religion whose end and means are love ; the material terrors which were substituted for the sanctions of the most spiritual, pure and holy creed ; the vulgar, degrading and ridiculous phantasmagoria devised to destroy the essential selfishness and impurity of men, and startle them into justice and righteousness of life ! The Teutonic Titans, though terrible from their rude strength, and dangerous even to the gods themselves, are neither disgusting nor degrading: they are like Chronos and Saturn, full of power and wisdom ; they are in constant warfare with the gods, because the latter are the representatives of a more humane order ; because the latter was more civilised: but as the giant race were mighty at the beginning, so are they to triumph at the end of the world ; and it is only when they shall have succeeded in destroying the

[1] Vit. Anon. St. Galli. Pertz, Monum. ii. 7. Pertz has justly called attention to the metrical form of this colloquy. It is deeply to be lamented that we no longer possess it in its earliest shape, and in the language of its earliest composition.

gods of Oþinn's race, that they will themselves vanish from the scene, and the glorious reign of Allfather commence. Loki alone has something mean and tricksey in his character, something allied to falsehood—a slight spice of the Mephistopheles. But it is not probable that this belongs to his earliest form, and it appears rather to mark the deterioration of a myth becoming popular, and assuming traits of the popular, humorous spirit, which takes delight in seeing power counteracted by cunning, and revenges itself for the perfection of its heroes by sometimes exposing them to ludicrous defeat. But even Loki was at first the friend and associate of the gods: he was united with them by the most sacred bonds of brotherhood, and his skill and wisdom secured them victory in many a dangerous encounter. Like Lucifer, he had been a tenant of heaven: why he and the gods ultimately parted in anger we are not told; but we find him pursuing them with the utmost malice, till at length he causes the death of Baldr. He is then bound and cast beneath the worlds, the poisonous snake hangs over him distilling torturing venom: his faithful wife sits by and catches the drops as they fall, but when the vessel in which she receives them is full and she turns for a moment to empty it, the deadly juice reaches the prostrate god, and in his agony he trembles in every limb. This convulsion is known to men as the earthquake. It is only in the twilight of the gods that he will break his chain and lead the sons of Muspel to avenge him upon the race of Oþinn.

But Loki is no devil in the Anglosaxon sense of Satan and his son; he is no deceiver or persecutor of men; least of all is he their torturer in another world. He suffers indeed, but like Prometheus, or Entelechus, or Ægeon, and his hour of triumph is to come. There is in his genuine character nothing mean or little,—much indeed that is terrible, gloomy and vague, but nothing ridiculous or disgusting. The Saxon devil with horns, tail, cloven feet, sulphur and pitch, torches, red-hot tongs, pincers and pitchforks is less creditable to the imagination, and more dangerous to the moral being, of his inventors.

Nor are the occupations of such a fiend less vulgar than his form: he blasts the corn, wounds the cattle, fetters the hands of the doomed, enters the mouth of those who have not guarded it by the sign of the cross, and in a future state becomes the torturer—in the most material and mechanical way—of those whose life has been spent in the service of sin. The coarse fancy of Marlowe himself halts after the descriptions of the Anglosaxon divines and poets, revelling in this fruitful theme. Unpleasant as such records are, and revolting to our sense of right, it is necessary that we should know what was taught or permitted by the clergy, if we are to know anything of the mode of life and mode of belief of our forefathers.

As early even as the eighth century, we find so great a man as Beda condescending to admit into his ecclesiastical history, such melancholy evidence of Manichæan materialism as the vision of Driht-

helm. He tells how such a man in Northumbria, lying at the point of death, had fallen into a trance, recovering from which and being restored to health, he had entered the monastery of Melrose, in which he continued till his death. During his trance he had seen visions which he afterwards communicated to Hamgisl a priest, king Aldfríð of Northumberland, and others. He related that on being released from the body his soul had been led by one, bright of aspect, gloriously clothed, towards the east, into a valley wide and deep and of a length that seemed infinite: one side glowed terribly with flames, the other was filled with furious hail and freezing snow. Either side was full of human souls which were tossed from left to right as by a tempest. For when they could not bear the violence of the immense heat, they rushed wretchedly into the midst of the dreadful cold; and when they could find no rest there, they sprung back again, again to burn in the midst of inextinguishable flames. When Drihthelm saw them thus eternally tormented by a crowd of deformed demons, he thought within himself, "This is surely hell, of whose intolerable tortures I have often heard tell!" But his companion said, "This is not the hell thou thinkest!" and proceeding further, he beheld how the darkness began to thicken around and fill the whole space before him. Suddenly in this deep night he perceived globes of dusky fire cast up from what seemed to be a vast well, into which they fell again, without intermission. In the midst of these horrors his conductor left him. On looking

more intently, he now perceived that the tongues of fire were all full of human souls, tossed aloft like sparks in smoke, and then dragged back into the abyss. And an incomparable stench, which bubbled up with the vapours, filled all those abodes of darkness. Around him sounded the shouts and taunts of fiends, like a vulgar mob exulting over a captive enemy: suddenly a host of evil spirits dragged through the darkness five souls, one of a laic, one of a woman, one tonsured like a cleric, and plunged them into the abyss amidst a confused roar of lamentation and laughter. Then certain malignant spirits ascending from the deep, surrounded the trembling spectator, terrifying him with their flaming eyes and the fire which burst from their mouths and noses, and threatening to seize him with fiery pincers which they held in their hands. From this danger he was rescued by the return of his companion, who conducted him to two corresponding regions of eternal bliss, every one of whose details is in the strongest contrast to those already described, but just as material, as gross and sensual. The moral of this is too important to be given in any but Beda's own words. "And when, on our return, we had reached those happy mansions of spirits clothed in white, he said unto me, 'Knowest thou what all these things are which thou hast beheld?' I answered, 'No.' Then said he, 'The valley which thou sawest, horrible with its boiling flames and its stiff cold, that is the place where shall be tried and chastised the souls of those men, who delaying to confess and to amend their

sins, yet fly to penitence in the hour of death, and thus leave the body: yet since they had confession and penance even in death, shall all, at the day of judgement, reach the kingdom of heaven. 'But many, both the prayers of the living, and their alms and fasts, and most of all the celebration of masses, assist, so that they shall be freed even before the day of judgement. But that flame-belching, putrid well which thou hast seen is the mouth of hell itself, into which whoever shall fall, shall never be set free for ever and ever. And that flowery place in which thou sawest those most beauteous youths enjoy themselves in splendour, is that wherein are received the souls of those who indeed leave the body in good works, but yet are not of such perfection that they may at once enter the kingdom of heaven; who yet shall all, in the day of judgement, enter into the sight of Christ, and the joys of the heavenly kingdom. For they who are perfect in every word and act and thought, immediately on leaving the body shall reach the heavenly kingdom; to whose precincts that place belonged, where thou heardest the sound of pleasant singing, together with the smell of sweetness and the splendour of light[1].'" Having thus seen and heard, Drihthelm was allowed to return to the body, where no doubt he became a powerful champion of Purgatory. But Beda is not satisfied with this tale: he goes on to tell of a Mercian noble, who would not go to confession. At the point of death, he sees two

[1] Beda, H. E. v. 12.

angels enter his room, bearing the record of his good deeds, which fill but a small roll: having caused him to read this, they make way for a crowd of fiends, black and foul, who bear the enormous tale of his sins of word, work and thought, which also he is compelled to read. Then the leader of the fiends turning to the sons of light exclaims, "Why sit ye here, knowing assuredly that he is ours?" to which they reply, "Ye say truly: take him, and lead him with you into the accumulation of your own damnation!" Upon this the good spirits vanish, and two demons, a sort of Occidental Munkir and Nekir, smite him with ploughshares on the head and feet, and creep into him; when they meet within him, he dies and passes into everlasting torments[1]. This tale, which Beda heard from the venerable bishop Pecthelm[2], he refines upon, explains, and finishes by declaring that he relates simply for the salvation of those who shall read or hear it. No doubt the distempered ravings of monks, made half mad by inhuman austerities, unnatural restrictions, and wretched themes of contemplation, would in themselves be of little worth: we can comprehend the visions of a Saint Francis de Salis, an Ignatius Loyola, a Peter the Hermit, a Santa Theresa, and even more readily those of a Drihthelm or a Madame Guyon: but how shall

[1] Beda, H. E. v. 13.

[2] The first Bishop of Whiterne in Galloway, who died in 737. Any one who desires to learn more of the miserable superstitions which Beda could recommend, may see the account of Fursæus (H. E. iii. 19), and the MS. lives of the saint of which Mr. Stevenson has given a notice in his edition of Beda, pp. 197, 199, notes.

we understand the record of them by a Beda or a Fenelon?

Such authority as this was likely to be followed with zeal; once open, the career of unbridled fancy was sure to find no limit; the more sure, since then as now, the fears and miseries of the mass were sources of profit to the few. Then as now, there were rogues found who dared to step between man and God, to clothe themselves in the coat without seam, to make themselves the mediators between eternal mercy and the perishing sinner. Accordingly in later times we find variation upon variation in the outline already so vigorously sketched; Malmsbury furnishes an ample field for collectors of this kind of literature. I shall content myself here with citing from the so often quoted Salomon and Saturn two passages, which to me are redolent of heathendom, disguised after the fashion which has been described.

Mæg simle se Godes cwide	Ever may the God's word[1]
gumena gehwylcum,	for every man,
ealra feónda gehwone	every fiend
fleónde gebringan,	put to flight,
ðurh mannes múð,	through mouth of man,
mánfulra heáp	the troop of evil ones,
sweartne geswencan;	the black troop, oppress;
næfre híe ðæs sylíce	let them never so strangely
bleóum bregdað	change their colours
æfter báncofan,	in their body,
feðerhoman onfóð.	or assume plumage.
Hwílum flótan grípað,	Sometimes they seize the sailor,
hwílum híe gewendað	sometimes they turn

[1] That is the Paternoster.

on wyrmes líc
scearpes and sticoles,
stingað nýten
feldgongende,
feoh gestrúdað;
hwílum híe on wætere
wicg gehnæ̆gað,
hornum geheáwað
oððæt him heortan blód,
fámig flódes bæð,
foldan geséceð.
Hwílum híe gefeterað
fæ̆ges monnes handa,
gehefegað ðonne he
æt hilde sceal
wið láðwerud
lifes tiligan:
áwrítað híe on his wæpne
wælnóta heáp.

into the body of a snake
sharp and piercing,
they sting the neat
going about the fields,
the cattle they destroy;
sometimes in the water
they bow the horse,
with horns they hew him
until his heart's blood,
a foaming bath of flood,
falls to the earth.
Sometimes they fetter
the hands of the doomed,
they make them heavy when he
is called upon in war,
against a hostile troop
to provide for his life:
they write upon his weapon
a heap of fatal marks[1].

Again we are told, in the same composition: "And when the devil is very weary he seeketh the cattle of some sinful man, or an unclean tree; or if he meeteth the mouth and body of a man that hath not been blessed with the sign of the cross, then goeth he into the bowels of the man who hath so forgotten, and through his skin and through his flesh departeth into the earth, and from thence findeth his way into the desert of hell[2]."

NICOR.—To the class of elemental gods must originally have been reckoned the Nicor, or water-spirit, whose name has not only been retained in the *Water Nixes* of our own country, and in the *Neck*

[1] Sal. Sat. pp. 143, 144.

[2] Ibid. p. 149.

of Germany, but in our own common name for the devil, *Old Nick*. According to the account given in Beówulf, these were supernatural, elvish creatures haunting the lakes, rivers and seas, ever on the watch to injure the wayfarer, and apparently endowed with the power of creating tempests. In this semi-Christian view they were fiendish and savage enemies of the sailor, whom they pursued with horns and tusks, dragged to the bottom of the waves and then no doubt devoured[1]. Probably, like other supernatural beings dreaded by our forefathers, they were included in the family of ogres and monsters descended from the first homicide. Yet it may be doubted whether this was the original and heathen sense of the word Nicor. As late as the thirteenth century I find in an old German glossary Neckar translated by *Neptunus*, the god of the sea; and it is notorious that one of the names borne by Oþinn, whenever he appears as a sea-god is Hnikuþr and Nikuz. Hence it is not unlikely that in their ancient creed, the pagan Saxons recognized Nicor as Wóden. The name Hwala which occurs in the genealogies, and like Geát may be assumed to be only another name of Wóden, confirms this view. Hwala is formed from Hwæl, *cetus*, just as Scyldwa is from Scyld, *clypeus*, and was probably only a name of Wóden as a sea-god. The danger attending the whale or walrus fishery[2] made the first at least of these animals an object of superstitious

[1] Beówulf, *passim*.

[2] The fisherman in Ælfric's dialogue disclaims any intention of whale-fishing, on account of its dangers. Thorpe, Anal. p. 24.

dread to the Anglosaxon sailor; perhaps, as in the case of the bear, natural peculiarities which are striking enough even to our more scientific eyes, helped to give an exceptional character to the monarch of the Northern seas. Be this as it may, it is not without importance that Hwala should appear in the genealogies among names many of which are indisputably Wóden's, that in Scandinavia and Germany Nikuz or Necker should be names of the sea-god, and that till a very late period,—when the heathen gods had everywhere assumed the garb of fiends and devils,—the Nicor should appear as the monster of the deep *par excellence*. The miraculous power attributed to the Nicor,—in Beówulf he is called " wundorlíc wǽgbora," a supernatural bringer of the waves,—is in itself evidence of earlier godhead; and in this sense I am disposed to identify him with the *demon marinus* whom St. Gall defeated by his constant watchfulness. In his altered and degraded form we may also recognize the demon of the lines lately cited, who stabs the horse with his horns while crossing the water. The beautiful Nix or Nixie who allures the young fisher or hunter to seek her embraces in the wave which brings his death, the Neck who seizes upon and drowns the maidens who sport upon his banks, the river-spirit who still yearly in some parts of Germany demands tribute of human life, are all forms of the ancient Nicor; but more genuine perhaps,—certainly more pleasing,—is the Swedish Stromkarl, who from the jewelled bed of his river, watches with delight the children gambol in the adjoining meadows, and

singing sweetly to them in the evening, detaches from his hoary hair the sweet blossoms of the water-lily, which he wafts over the surface to their hands.

HEL.—Among the fearful beings whose power was dreaded even by the gods, was Hel, mistress of the cold and joyless under-world. Called, through the fate of battle, to the glories of Wælheal, the Teutonic or Norse hero trembled at a peaceful death which would consign him to a dwelling more desolate and wretched than even that which awaited the fallen warriors of heroic Greece [1], and many a legend tells of those whose own hand saved them from a futurity so abhorred [2]. But Hel was not herself the agent of *death*; she only received those

[1] Odyssee, book xi.

[2] This is so completely familiar to the student of antiquity, that I shall not multiply examples: they may be found in Bartholinus. But one instance I may be excused for citing, inasmuch as it proves how long the heathen spirit survived despite the peaceful hope and promise of Christianity. Henry of Huntingdon, in the sixth book of his history, relates of Sigeweard the great duke of Northumberland, that hearing of the loss of his son in battle, he exclaimed, "Recepit ne vulnus lethale in anteriori vel posteriori corporis parte? Dixerunt nuntii: In anteriori. At ille: Gaudeo plane, non enim alio me, vel filium meum digner funere." In 1055 however, oppressed with sickness, he found that his desire was not to be fulfilled. "Siwardus, consul rigidissimus, profluvio ventris ductus, mortem sensit imminere, dixitque: Quantus pudor me tot in bellis mori non potuisse, ut vaccarum morti cum dedecore reservarer! Induite me saltem lorica mea impenetrabili, praecingite gladio, sublimate galea: scutum in laeva, securim auratam mihi ponite in dextra, ut militum fortissimus modo militis moriar. Dixerat, et ut dixerat, armatus honorifice spiritum exhalavit." Through every word of this passage breathes the old heathen spirit of Haralldr Hilditavn, and one feels that to Christianity alone it was owing, that Sigeweard did not prevent an inglorious by a voluntary violent death.

who had not earned their seat in Oþin's hall by a heroic fall, and the Wælcyrian or Shieldmays were the choosers of the slain. The realm of Hel was all that Wælheal was not,—cold, cheerless, shadowy; no simulated war was *there*, from which the combatants desisted with renovated strength and glory; no capacious quaighs of mead, or cups of the life-giving wine; no feast continually enjoyed and miraculously reproduced; no songs nor narratives of noble deeds; no expectation of the last great battle where the *einherjar* were to accompany Allfather to meet his gigantic antagonists; no flashing Shieldmays animating the brave with their discourse, and lightening the hall with their splendour: but chill and ice, frost and darkness; shadowy realms without a sun, without song or wine or feast, or the soul-inspiring company of heroes, glorying in the great deeds of their worldly life.

For the perjurer and the secret murderer Nástrond existed, a place of torment and punishment —the strand of the dead—filled with foulness, peopled with poisonous serpents, dark, cold and gloomy: the kingdom of Hel was *Hades*, the invisible, the world of shadows[1]: Nástrond was what we call *Hell.* Christianity however admitted no goddess of death, and when it was thought necessary to express the idea of a place of punishment after death, the Anglosaxon united the realm of

[1] So the Greeks:

Πῶς ἔτλης Ἀϊδός δὲ κατελθέμεν, ἔνθα τε νεκροὶ
Ἀφραδέες ναίουσι, βροτῶν εἴδωλα καμόντων;

Odys. xi. 473.

Hel with Nástrond to complete a hideous prison for the guilty: the prevailing idea in the infernal regions of the Teuton is cold and gloom [1]; the poisonous snakes, which waking or sleeping seem ever to have haunted the Anglosaxon, formed a convenient point of junction between his own traditional hell and that which he heard of from the pulpit, in quotations from the works of the Fathers; and to these and their influence alone can it be attributed when we find flames and sulphur, and all the hideous apparatus of Judaic tradition, adopted by him. In this fact seems to me to lie a very important mark of ancient heathendom, and one which the clergy themselves admitted, a belief in which they shared, and which they did not scruple to impress upon their flocks, even in spite of the contrary tendency of their authorities: it will be sufficient to refer to the description given of hell in the poetic Salomon and Saturn, a composition redolent of heathendom: on the defeat of the rebel angels, it is said, God

him helle gescóp,	for them he made hell,
wælcealde wíc,	a dwelling deadly cold,
wintre beðeahte:	with winter covered:
wæter insende	water he sent in
and wyrmgeardas,	and snake-dwellings,
atol deór monig	many a foul beast
írenum hornum;	with horns of iron;
blódige earnas	bloody eagles
and bláce nædran;	and pale adders;

[1] Fire was too cheerful in the North to be sufficiently an object of terror: it appeared otherwise in the East, where coolness is the greatest of luxuries.

þirst and hungor	thirst and hunger
and þearle gewin,	and fierce conflict,
eácne egesan,	mighty terror,
unrótnisse.	joylessness[1].

Even in their more orthodox descriptions, ecclesiastical poets, though naturally adopting the Judaic notions, cannot always shake off the old, habitual tradition of their forefathers, but recur to the frost, gloom and serpents of Nástrond, and the realm of Hel; of which a passage already quoted from Beda is ample evidence.

As far as we can judge from the descriptions which survive, the Anglosaxons represented Hell to themselves as a close and covered dwelling, a prison duly secured as earthly prisons are by locks, bolts and bars[2]. But the popular fancy had probably even then adopted the notion of a monstrous beast whose *mouth* was the entrance to the place of torment: this appears not only from the illustrations to Cædmon[3], but from the common expression, so long current, of Hell-mouth. From this peculiar feature however we may believe that a remembrance still lurked among our forefathers of the gigantic or Titanic character of the ancient goddess, who, in Norse mythology, was Loki's daughter. In nearly every case, the word Hel in Anglosaxon, and especially Anglosaxon prose, has merely the abstract sense we now give it; but here and there a passage

[1] Sal. Sat. p. 173.

[2] Beda himself speaks of "inferni claustra" (H. E. v. 13), and for this there was supposed to be sufficient authority in the figurative expression, Matt. xvi. 18.

[3] Published by the Society of Antiquaries.

may be found in which we discover traces of the personal meaning: thus perhaps in Beówulf where we find these lines,

siððan dreámaleás	when reft of joy
in fenfreoðo	in his fen-refuge
feorh álegde,	he his life laid down,
hæðene sáwle,	his heathen soul,
ðær him Hèl onfeng.	there Hel received him[1].

However as a death in battle did not consign the warrior to Hel, it is usually Hild or Wig who is represented as ravishing away the doomed hero. Hel was no desired object, to be introduced into the epic as the portion of chieftains and kings.

FATES.—The Northern creed, and, as it now seems established, the German also, admitted the intervention between man and the gods, of subordinate deities or Fates. I call them subordinate from their peculiar position in the fragmentary portions of mythology that survive; in their nature we must believe them to be of a higher order than the gods, who themselves are doomed one day to perish, and who can probably as little avoid their doom as men, the frailer creatures of their power. It may be that in this, different views prevailed among different classes of men; the warlike princes and their followers, who exulted in tales of battle and feasting, may have been willing to see in Oþinn the supreme disposer of events, while a deeper wisdom lurked

[1] Beów. l. 1698: and perhaps similarly l. 357, "Helle gemundon," they worshiped Hel.

in the sacerdotal songs that told how Urðr, Werðandi and Skuld (the Norns of the Past, the Present and the Future) bore inevitable sway over the inhabitants of heaven and earth, and slowly waited for the period which was to confound gods, man and nature in one vast destruction[1]. The Norse view admits however of more than three Norns, though it names those only who have been mentioned; and from the extraordinary relation of those three,

[1] The Greek Fates are also three, and stand in a very similar position towards the Gods. Zeus himself is not exempt from their power. Prometheus, it is true, will not distinctly assert Zeus to be *weaker* than the Fates, but he answers very decisively that even Zeus cannot escape his Fate.

Χο. Τίς οὖν ἀνάγκης ἐστὶν οἰακοστρόφος;
Πρ. Μοῖραι τρίμορφαι, μνήμονές τ' Ἐρίννυες.
Χο. Τούτων ἆρ' ὁ Ζεὺς ἐστιν ἀσθενέστερος;
Πρ. Οὔκουν ἂν ἐκφύγοι γε τὴν πεπρωμένην.

The Μοῖραι here are only ministers of a deeper necessity, yet they seem to wield it themselves, and that it is inseparable from justice seems to follow from the venerable goddesses being joined in the task. Plato however distinctly names three Μοῖραι, the daughters of Ἀνάγκη, who *spin* the life of man: what is more to our purpose is that to each of the three, the past, the present and the future are severally distributed, as to Urðr, Werðandi and Skuld. He says, ἄλλας δὲ καθημένας πέριξ δι' ἴσου τρεῖς, ἐν θρόνῳ ἑκάστην, θυγατέρας τῆς Ἀνάγκης, Μοίρας, λευχειμονούσας, στέμματα ἐπὶ τῶν κεφαλῶν ἐχούσας, Λάχεσίν τε καὶ Κλωθὼ καὶ Ἄτροπον, ὑμνεῖν πρὸς τὴν τῶν Σειρήνων ἁρμονίαν, Λάχεσιν μὲν τὰ γεγονότα, Κλωθὼ δὲ τὰ ὄντα, Ἄτροπον δὲ τὰ μέλλοντα. The spindle however lies and revolves upon the knees of Ἀνάγκη. De Repub. lib. x. The white garments, garlands and throne, as well as the singing, are wanting to our Norns, but the resemblance in other respects is very striking. It deserves notice also that the *Weird sisters* in Macbeth are three; and even the Odyssee may intend that number,

ἔνθα δ' ἔπειτα
πείσεται ὅσσα οἱ αἶσα κατακλῶθές τε βαρεῖαι
γεινομένῳ νήσαντο λίνῳ, ὅτε μιν τέκε μήτηρ.

It is well known what controversy has arisen as to the real number of Ἐρίννυες intended by Æschylus in his Eumenides.

it can hardly be doubted that the others are of a different order; moreover it attributes human passions to them which are hardly consistent with the functions of the venerable Fates; in this case it is possible that the Valkyriur, a race of beings whose functions might in some respects be confounded with those of the Nornir, have been so mixed up with them. Man, dealing with the daily affairs of troubled life, thinks more of the past than of the future: to him the present is the child of the past, the past the excuse for or cause of all he does and suffers; his intellect comprehends the events that are completed or in course of completion, but not the indefinite, illimitable probabilities of the undiscovered *to be*; hence perhaps Urðr is considered the oldest and most powerful of the Fates; her work is done, the others are doing or yet to do. Through this progress of opinion it became possible for the conception of the older Fate to include and finally supersede those of the others, as soon as the living belief in their personal agency became weakened. I do not know that any certain trace of these Fates can be found in the High-german countries[1], but in the Low-german the eldest Norn still survives long after the introduction of Christianity, in a sense little removed at times from that of Necessity itself. That this should still have been coupled with a lively feeling of personality only proves how deeply rooted the old Heathen creed had been. In

[1] Grimm, Mythol. p. 377, does not seem to lay much stress upon the *two* instances which he gives, one of which is extremely doubtful, and the other of no certain authority.

the following instances from the Oldsaxon Héljand[1], Wurth might almost in every case be replaced by dód, *mors*: "Thiu Wurth is at handun, dód is at hendi;"—the *wierd*[2], or death, is at hand, i. e. so near that she might lay hold of the doomed. "Thiu *Wurth* nahida thuo,"—the *wierd* drew nigh. "*Wurth* ina benam," *Wierd*, i. e. the goddess of death, ravished him away; as in Anglosaxon we have Swylt benam, Deaþ benam, and similar expressions.

The Anglosaxon equivalent is *Wyrd*, an expression of the very commonest and most frequent occurrence. It should however be borne in mind that there are two separate uses of this word, one a more abstract one, in which it is capable of being used in the plural, and which may generally be rendered *eventus*[3], another more personal, similar to the Oldsaxon *Wurth*, and in which it never occurs but in the singular[4]. In the following most remarkable passage the heathen and Christian thoughts are

[1] Héljand. Poema Saxonicum Saeculi Noni. Ed. A. Schmeller. Munich. pp. 146, 2; 92, 2; 163, 16; 66, 18; 111, 4.

[2] We are fortunate in being able to use not a translation of Wurth, but the word itself; I am not aware of its continuing to exist in any other German dialect.

[3] Ne wæs wyrd ðágen
ðæt he má móste
manna cynnes
þicgean ofer ða niht. (Beów. l. 1462.)
wyrd ne cúðon. (Ibid. l. 2467.)

[4] One exception to be hereafter noticed seems more apparent than real. If however it be taken in its fullest and ordinary grammatical sense, it will show that all three or more sisters were in contemplation, and that the name of the eldest had become a general expression for them all.

strangely mingled, Wierd being placed in actual apposition with God,

swá he hyra má wólde
nefne him witig God,
Wyrd forstóde,
ꝛ ðæs mannes mód[1].

"As he would more of them had not wise God, Wierd forstood him, and the man's courage." How very heathen the whole would be, were we only to conceive the word *God* an interpolation, which is highly probable; nefne him witig—Wyrd forstóde[2]! The following examples will show the use of Wyrd:—"hine Wyrd fornam,"—him *Wierd* ravished away[3]; just as in other passages we have guð fornam[4], Wíg ealle fornam[5], swylt fornam[6], deað fornam[7]. "Wyrd ungemete neáh[8],"—*Wierd* was immeasurably near him; as in the Oldsaxon passages above cited, and as Deað ungemete neáh[9]. "Ac unc sceal weorðan æt wealle, swá unc Wyrd geteóð, métod manna gehwæs[10],"—it shall befal us as *Wierd* decideth, the lord of every man[11]. "Swá him Wyrd ne gescráf[12],"—*Wierd* did not appoint. "Ealle Wyrd

[1] Beów. l. 2104.
[2] Ibid. l. 2411.
[3] Ibid. l. 2240.
[4] Ibid. l. 2154.
[5] Ibid. l. 2872.
[6] Ibid. l. 4234, 4468.
[7] Ibid. l. 4836.
[8] Ibid. l. 5453.
[9] Ibid. l. 5048.
[10] This is a most remarkable passage, for Wyrd is distinctly called Metod, a word generally appropriated to God; but I am disposed to think that Metten, another word for Fate, was uppermost in the poet's mind,—perhaps found in some heathen copy of the poem. "Ða gráman mettena," *saevae parcae*. Boet. p. 161. (Rawl.)
[11] Beów. l. 5145.

forsweóp[1],"—*Wierd* has swept away. "Us seó wyrd scýðeð, heard and hetegrim[2],"—us doth *Wierd* pursue, hard and grim in hate.

These examples will suffice to show how thoroughly personal the conception of *Wierd* remained; and in this respect there is no difference whatever between the practice in Beówulf and in the more professedly Christian poems of the Exeter and Vercelli codices, or Cædmon. But one peculiarity remains to be noticed, which connects our *Wierd* in the most striking manner with the heathen goddesses generally, and the Scandinavian Nornir particularly. We have seen that *Wierd* opposes, that she stands close to the doomed warrior, that she ravishes him away, that she sweeps away the power of men, that she decides or appoints the event, that she is hard and cruel and pursues her victims. But she also *weaves*, weaves the web of destiny, as we can say even to this day without violence. It is necessary to give examples of this expression: "Me ðæt wyrd gewæf[3],"—*Wierd* wove that for me; similar to which is, "Ac him dryhten forgeaf wígspéda gewiofu[4],"—but the Lord gave him the weft of victory; where undoubtedly an earlier weaving Wyrd was thought of. "Ðonne seó þrag cymeð, wefen wyrd-stafum[5],"—when the time cometh, woven with *wierd*-staves, or letters, probably *runes*. There is a remarkable passage in the same collection[6], "Wyrmas mec ne áwæfon, Wyrda

[1] Beów. l. 5624.
[2] Cod. Exon. p. 355.
[3] Cod. Vercel. Anal. l. 3121.
[4] Beów. l. 1386.
[5] Cod. Exon. p. 183.
[6] Ibid. p. 417.

cræftum, ðа ðe geolo godwebb geatwum frætwað," —Worms wove me not, with the skill of *Wierds*, those namely which the yellow silk for garments beautifully form. Here weaving is especially put forward as that in which *Wierd* excels, her own peculiar craft and business[1].

Spinning and weaving are the constant occupation of Teutonic goddesses and heroines: Holda and Bertha spin[2], and so do all the representatives of these goddesses in popular tradition even down to the fairies. But the Valkyriur or Shieldmays also weave, and in this function, as well as their immediate action in the battle-field, as choosers of the slain[3], they have some points of contact with the Norns and Wyrd[4]. Gray has transferred to our language from the Nials Saga a fine poem[5] which throws some light upon the weaving of the Valkyriur, the wígspéda gewiofu. The Anglosaxon belief in the Shieldmaidens comes to us indeed in a darkened form, yet we can hardly doubt that it survived. The word Wælcyrge occurs in glossaries to explain

[1] I am almost inclined to think the words searorúna gespon, *the web of various runes*, merely a periphrasis for wyrd, taken in the abstract sense of *event*. Cod. Ex. p. 347.

[2] "As tems ou Berte filait," i. e. in a period anterior to the memory of man: in the days of heathendom, of the *goddess* Bertha, not the queen.

[3] Wælcyrige is derived from Wæl *the slain* and ceósan *to choose*.

[4] I do not know whether the expression Hine Wyrd gecéas, can be found in Saxon poetry; but ceósan is a very common word in phrases denoting death, though by Christian poets transferred to the doomed hero, from the god or goddess: ær ðon forðcure, wintrum wæl reste. Cædm. p. 99. "Priusquam annis [i. e. vita] praetulerit mortiferam quietem."

[5] The Fatal sisters. See vol. i. p. 70, Mitford's edition.

Bellona, the goddess of war, and one gloss calls eyes Wælcyrigean, *gorgonei*, terrible as those of Gorgo; the flashing of the eyes was very probably one mark of a Wælcyrge in the old belief[1], as she floated or rode above the closing ranks of battle. In the superstitions of a later period however we find a clear allusion to these supernatural maidens. A spell preserved in a Harleian manuscript[2] contains the following passages:

Hlúde wǽron hí lá hlúde, ðá hý
ofer ðone hlǽw ridon;
wǽron anmóde, ðá hý
ofer land ridon.

"Loud, lo! loud were they, as they rode over

[1] When Þorr visits Þrymr under the disguise of Freya, the giant is suspicious of the flashing eyes which he sees under the veil. Loki explains them by the sleeplessness arising from Freya's desire for the giant's embraces.

Laut und línu
lysti at kyssa;
en hann útan stökk
endlangan sal:
"Hví eru öndótt
augu Freyju?
þikki mér or augum
eldr of brenna!"

Sat in alsnotra
ambótt fyrir,
er orð um fann
við jötuns máli:
"Svaf vætr Freyja
átta nóttum,
svá var hon óðfús
í jötunheima."

Hamarsheimt. xxvii. xxviii.

[2] MS. Harl. 585, fol. 186.

the hill; bold were they, as they rode over the land."

Stód under linde
under leóhtum scylde
ðær ða mihtigan wíf
hyra mægen beræddon,
and hý gyllende
gáras sendon.

"I stood beneath my linden shield, beneath my light shield, where the mighty women exercised their power, and sent the yelling javelins!" Another spell from a MS. in Corpus Christi College, Cambridge, appears to name them more distinctly:

Sitte ge, sígewíf,
sígað tó eorðan,
næfre ge wilde
tó wuda fleógan;
beó ge swá gemindige
mínes gódes,
swá bið manna gehwilc
metes and éðeles.

"Sit, ye victorious women (or women of victory) descend to earth, never fly ye wildly to the wood: be ye as mindful of good to me, as every man is of food and landed possession." Grimm has remarked with great justice[1] that the sígewíf here recalls the names of Wælcyrian, Sigrdrífa, Sigrún and Sigrlinn. I certainly see in Sigewíf, *women who give victory*; and the allusion to the *wild* flight and the *wood* are both essentially characteristic of the Wæl-

[1] D. Myth. p. 402. He cites this spell, but proposes on grammatical grounds to read *wille* for *wilde*. If any change is necessary I should prefer *fleógen*.

cyrian, whom Saxo Grammaticus calls *feminae* and *nymphae sylvestres*. For many examples of this peculiar character, it is sufficient to refer to the Deutsche Mythologie[1].

CREATION AND DESTRUCTION.—The cosmogony of the Pentateuch was necessarily adopted by the Saxon converts; yet not so entirely as to exclude all the traditions of heathendom. In the mythology of the Northern nations, the creation of the world occupied an important place: its details are recorded in some of the most striking lays of the earlier Edda; and several of them appear unconsciously to have acted upon the minds of our Christian poets. The genius of the Anglosaxons does not indeed seem to have led them to the adoption of those energetic and truly imaginative forms of thought which the Scandinavians probably derived from the sterner natural features that surrounded them: the rude rocks and lakes of Norway and Sweden, the volcanos, hot springs, ice plains and snow-covered mountains of Iceland, readily moulded the Northmen to a different train of thought from that which satisfied the dwellers in the marshlands of the Elbe and the fat plains of Britain. But as in the main it cannot be doubted that the heathendom of both races was the same, so even in many modes of expression we meet with a resemblance which can hardly be accidental. Like almost every other people, the Northmen con-

[1] Deut. Myth. p. 401, *seq.*

sidered a gigantic chaos to have preceded the world of order. While the giant Ymer lived, the earth was "without form and void." Listen to the words of the Vaulu Spá, or Prophetess's Song:

A'r var alda	When Ymer dwelt here,
þar er Y'mir bygði:	'twas the dawn of time:
vara sandr né sær	cool streams were not,
né svalar unnir:	neither sands, nor seas:
jörð fannsk æva	earth was not
né upphiminn,	nor o'er it heaven,
gap var ginnunga,	yawned the gap,
en gras hvergi[1].	and grass was nowhere.

The sons of Bur however, Oþinn, Vile and Ve, created the vast Midgard, or realm of earth:

Sól skein sunnan	The sun shone southward
á salar steina,	on the stone halls,
þá var grund gróin	then was earth grown
grœnum lauki[2].	with green produce.

The constellations however as yet had no appointed course:

Sól þat ne vissi	But the sun knew not
hvar hon sali átti,	where her seat should be,
máni þat ne vissi	and the moon knew not
hvat hann megins átti,	what his might should be,
stjörnur þat ne vissu	planets knew not
hvar þær staði áttu[3].	where their place should be.

So the holy Gods went to council, and divided the seasons, giving names to night and noon and morning, to *undern* and evening, that the years might be reckoned[4].

[1] Vaulu Spá, st. 3.
[2] Ibid. st. 4.
[3] Ibid. st. 5.
[4] Ibid. st. 6.

The construction of the world out of the fragments of Ymer's body, the doctrine of the ash Yggdrasil, and of wondrous wells beneath its roots, could of course find no echo here, after the conversion. But it is very remarkable how nearly the description of creation given in Cædmon sometimes coincides with the old remains of heathendom:

Ne wæs hér ðágiet	There had not here as yet
nymðe heólstersceado	save cavern shade
wiht geworden,	aught existed,
ac ðes wída grund	but this wide abyss
stód deóp and dim,	stood deep and dim,
drihtne fremde,	strange to its lord,
ídel and unnyt;	idle and useless;
on ðone cágum wlát	on which looked with his eyes
stíðfrihð cining,	the king firm of mood,
and ða stowe beheóld	and beheld the place
dreáma leáse.	devoid of joys.
Geseah deorc gesweorc	He saw the dark cloud
sémian sinnihte,	lour in endless night,
sweart under roderum,	swart under heaven,
wonn and wéste.....	dusky and desert.....
folde wæs ðágyt	the earth was yet
græs ungréne;	not green with grass;
gársecg þeahte	but ocean covered
sweart synnihte	dark in endless night
wíde and síde	far and wide
wonne wægas[1].	the dusky ways.

Then follows the creation of light, the separation of evening from morning, and the production of organic life, as in the first chapter of Genesis. The Wída grund, or *vast abyss*, is the Ginnunga gap, *yawning gulf*, of the Edda, and a very remarkable

[1] Cædm. p. 7, l. 8 *seq.*

parallel lies in the assertion that there was no *grass* anywhere to make green the earth.

The world was created out of the portions of Ymer's body; but it seems to be a remnant of ancient heathendom when we find in later times a tradition that Man was created out of the great natural portions of the world itself. An ancient Frisic manuscript quoted by Grimm in Haupt's Altdeutsche Blätter[1] says, "God scóp thene éresta meneska, thet was Adam, fon achta wendem; thet bénete fon tha sténe, thet flásk fon there erthe, thet blód fon tha wetere, tha herta fon tha winde, thene thochta fon tha wolken, thene suét fon tha dáwe, tha lokkar fon tha gerse, tha ágene fon there sunna, and tha blérem on thene helga óm." That is,—God created him of eight things: his bones from stone, his flesh from earth, his blood from water, his heart from wind, his thought from cloud, his sweat from dew, his hair from the grass, his eyes from the sun, and then breathed into him the breath of life. In the prose Salomon and Saturn we are also told that Adam was created of eight pounds by weight: a pound of earth from whence his flesh; a pound of fire, whence his red and hot blood; a pound of wind, whence his breathing; a pound of cloud, whence his unsteadiness of mood; a pound of grace, whence his stature and growth; a pound of blossoms, whence the variety of his eyes; a pound of dew, whence his sweat; and a pound of salt, whence his salt tears[2].

[1] Vol. i. Part i. p. 1.

[2] See the Author's edition, p. 181, and the notes at p. 194.

But a much more striking proof of heathendom lies in the Anglosaxon belief that after the destruction of this creation a more beautiful one would arise; not only a metaphysical kingdom of heaven, but a concrete world like our own, on a more imposing and glorious scale. It was the belief of the Northmen that in the closing evening of the ages, the Ragna-rauk, or twilight of the Gods, the old Titanic powers would burst their fetters; Loki, the Northern Satan, would be released from his bondage; Midgard's orm, the serpent that surrounds the world, would rise in his giant fury; the wolf Fenrir would snap his chain and move against the gods; the ship Naglfar, made of the nails of the dead, and steered by Loki, would convey the sons of Muspelheim to Vigrid, the plain on which this heathen Armageddon was to be fought: at their head the terrible Surtr, the black, the destroyer of the gods, beneath whose sword of fire the whole world should perish.

Kjóll ferr austan,	Eastward the ship
koma munu Muspells	shall shape its journey,
um laug lýðir,	Muspell's sons
en Loki stýrir[1].	the sea shall travel,
	o'er the lakes shall
	Loki steer her.

Oþinn, Thórr, and the other gods shall perish, but not unrevenged: the wolf and the serpent will fall, one by the hands of Viðarr, Oþin's son, the other under the terrible battle-maul of Thórr. The

[1] Vaulu Spá, st. 50.

sun and moon and earth will be destroyed, and the ash Yggdrasil wither under the flames of Surtr.

Sól tekr sortna,	Black wanes the sun,
sígr fold í mar,	in waves the earth shall sink,
hverfa af himni	from heaven shall fall
heiðar stjörnur;	the friendly stars;
geisar eimr	round the tree
við aldrnára,	red fire shall rustle,
leikr hár hiti	high heat play
við himin sjálfan [1].	against the heaven.

But the Gods will be found again in Iðavelli; the earth will arise again from the ocean; the sun that perished will have left a yet more beauteous daughter to perform her task; the deities will remember their ancient power, and the secrets of the great god; the golden tablets will be found in the grass; Baldr, the slain god, will arise from the tomb; Havdr, that unconsciously slew him, will return with him from the realms of Hel, the goddess of the dead. Viðarr and Vale, sons, or rather new births of Oþinn; Mode and Magne, sons of Thórr, will survive the universal destruction; All-father's glorious kingdom will be renewed, and the power of death and evil vanish for ever.

Sér hon uppkoma	Then sees she rise
öðru sinni,	a second time
jörð or œgi	the world from ocean
iðjagrœna [2].	wondrous green.
Eina dóttur	One bright child shall
berr Alfröðull	bear Alfröðull,
áðr haña Fenrir fari;	ere her form doth

[1] Vaulu Spá, st. 56.

[2] Ibid. st. 57.

sú skal ríða,
þá er regin deyja,
móður brautir mær[1].

Fenrir ruin;
thus shall go,
when gods have perished,
the maiden on
her mother's journey.

Finnask Æsir
á Iðavelli,
ok um moldþinur
mátkan dœma,
ok minnask þar
á megindóma,
ok á fimbultýs
fornar rúnar.

Æsir meet
in Iðavelli,
doom with power
the great disasters,
there remember
mighty judgements,
and Fimbultýrs
former secrets.

þar munu eptir
undrsamligar
gullnar töflur
í grasi finnask,
þærs í árdaga
áttar höfðu
fólkvaldr goða
ok Fjölnis kind.

After, shall be
all together
found in the grass
the golden tablets,
which in time past
possessed among them
gods that ruled
the race of Odin.

Munu ósánir
akrar vaxa,
böls mun alls batna,
Baldr mun koma;
búa þeir Höðr ok Baldr
Hropts sigtóptir
vel valtivar[2].

Then unsown
the swath shall flourish,
all bale mend, and
back come Baldr:
with him Höðr dwell
in Hropter's palace,
shrines of gods
the great and holy.

Sal sér hon standa
sólu fegra,
gulli þakðan
á Gimli:

There sees she stand
than sunlight fairer,
Gimli's hall
with gold all covered:

[1] Wafþrudnis Mál, st. 47. Alfröðul is a name of the Sun, and is said to denote *divine splendour*. Edd. Lex. Myth. in voc.

[2] Vaulu Spá. st. 57, 58, 59, 60.

þar skolu dyggvar	there the just shall
dróttir byggja,	joy for ever,
ok um aldrdaga	and in pleasure
ynðis njóta[1].	pass the ages.

The conviction that the virtuous would rejoice with God in a world of happiness was of course not derived by our forefathers merely from their heathendom; but to this we may unhesitatingly refer their belief, that after doomsday the sun and moon would be restored with greater splendour. The Saxon Menology[2] says very distinctly:

"At doomsday, when our Lord shall renew all creatures, and all the race of men shall rise again, and never more commit sin, then will the sun shine seven times brighter than she now doth, and she will never set; and the moon will shine as the sun now doth, and never will wane or wax, but stand for ever on his course[3]." That this belief was not unknown in Germany may be argued from an expression of Freidank,

> Got himel und erde lát zergán,
> unt wil dernách ein schoenerz hán[4].

Dim and fragmentary as these rays of light may be which straggle to us through the veils of bygone ages, it is impossible not to recognize in them traces of that primæval faith which teaches the responsibility of man, the rule of just and holy beings

[1] Vaulu Spá. st. 62.

[2] MS. Corp. Christi, No. 179.

[3] See Salomon and Saturn, p. 177. It may be observed here that the feminine gender of the sun, and masculine of the moon, have their origin in our heathen mythology.

[4] Freydanck, Beschied. p. 8.

superior to himself, and a future existence of joy and sorrow, the ultimate consequence of human actions. With what amount of distinctness this great truth may have been placed before their eyes, we cannot tell, but it is enough that we see it admitted in one of the most thoroughly heathen poems of the Edda, and confirmed by an Anglosaxon tradition totally independent of Christianity. Weak as it is while unsupported by the doctrine of a gracious Redeemer, it is not wholly inoperative upon the moral being of men; and its reception among the nations of the North must have tended to prepare them for the doctrinë which in the fulness of time was to supersede their vague and powerless desires by the revelation of the crucified Saviour.

HEROES.—It now remains that we should bestow a few words upon the heroic names which figure in the Epopœa of the North, and which probably in many cases belong to the legends and the worship of gods now forgotten, or which at least represent those gods in their heroic form and character; even as the Iliad in Achilles may celebrate only one form of the Dorian Apollo, and the legends of Cadmus and Theseus may be echoes from an earlier cult of Jupiter and Neptune.

The hero Scyld or Sceldwa[1] has been mentioned as the godlike progenitor of the Scyldingas, the royal race of Denmark; but he also appears among the mythical ancestors of Wóden, in the genealogy

[1] From which form we must conclude for the reading Scyldu (as Wudu, Duru).

of Wessex. It is a singular fact that the Anglo-saxons alone possess the fine mythus of this hero; the opening division or canto of Beówulf relates of him that he was exposed as a child in a ship upon the ocean; a costly treasure accompanied the sleeping infant as he floated to the shores of the Gardanes, whose king he became; after reigning gloriously and founding a race of kings, he died, and was again sent forth in his ship, surrounded with treasures, to go into the unknown world, from which he came; he came to found a royal race[1], and having done so, he departs and nothing more is known of him. That this mythus was deeply felt in England appears from its being referred to even by the later chroniclers: Æðelweard[2] and Malmsbury[3] mention it at length, and a desire to

[1] Ðone God sende — whom God sent
folce tó frófre, — to the people for their comfort,
fyrenþearfe ongeat — the evil need he understood
ða híe ær drugon — which they before had suffered
aldorleáse. — while without a king.
Beów. l. 26.

[2] Æðelw. lib. iii. He attributes the legend to Sceaf, Scyld's father; his words are: "Ipse Scef cum uno dromone advectus est in insula oceani quae dicitur Scani, armis circumdatus, eratque valde recens puer, et ab incolis illius terrae ignotus; attamen ab eis suscipitur, et ut familiarem diligenti animo eum custodierunt, et post in regem eligunt: de cuius prosapia ordinem trahit Athulf rex."

[3] Malmsbury (Gest. Reg. ii. 116) adds another peculiarity to the legend, which however he gives to Sceaf, Scyld's father; he says, "Iste, ut ferunt, in quandam insulam Germaniae Scandzam, de qua Jordanes historiographus Gothorum loquitur, appulsus, navi sine remige, puerulus, posito ad caput frumenti manipulo, dormiens, ideoque Sceaf nuncupatus, ab hominibus regionis illius pro miraculo exceptus, et sedulo nutritus, adulta aetate regnavit in oppido quod tunc Slasvic, nunc vero Haithebi appellatur. Est autem regio illa Anglia Vetus dicta, unde Angli venerunt in Britanniam, inter Saxones et Gothos consti-

engraft a national upon a biblical tradition not only causes Sceaf to be called by some authors the son of Shem, but leads to the assertion of the Saxon chronicle that Sceaf was the son of Noah, born in the ark[1], in obvious allusion to the miraculous exposure on the waters. The mention of Scani by Æðelweard may be taken in connection with a Norse tradition that Skjold was Skanunga goþ, a god of the Scanings. An Anglosaxon riddle in the Codex Exoniensis[2], and of which the answer seems to me to be only *a shield*, concludes with the very remarkable words,

nama mín is mære,	mighty is my name,
hæleðum gifre,	rapacious among men,
and hálig sylf.	and itself holy.

The second line seems to exclude the supposition of there being any reference to Almighty God, though Scyld, like Helm, is one of his names, examples of which are numerous in all Anglosaxon poetry. There are one or two places in England which bear the name of this god or hero: these are Scyldes treów[3], Scyldmere[4], and Sceldes heáfda[5]; but except in the genealogy of Wessex and the tradition recorded by Æðelweard and Malmsbury, there is no recórd of Sceaf.

As in the poem of Beówulf, Scyld is said to have

tuta." Wendover (Flor. Hist.) copies Malmsbury, with the explanation of the name Sceafa, from Sceaf a sheaf of corn; others derived it from scúfan, *trudere*, "quia fortunae commissus." Die Stammtafel der Westsachsen, p. 33.

[1] "Se wæs geboren in ðære earce Noes." Chron. Sax. 855.
[2] Cod. Exon. p. 407.
[3] Cod. Dipl. No. 436.
[4] Ibid. Nos. 356, 762.
[5] Ibid. No. 721.

a son called Beówulf from whom the kings of Sleswig are descended, so in the genealogy of Wessex, Scyld is followed by Beaw; there is some uncertainty in the form of the name, but upon comparison of all the different versions given by various chroniclers, we may conclude that it was Beówa or Beów, a word equivalent to Beówulf. The original divinity of this person is admitted by Grimm, but he suffers himself to be misled by some over-skilful German lexicographer who has added *Beewolf* to the list of English names for the woodpecker, and would render Beówulf as a sort of Latin Picus. I am not aware that any bird in England was ever called the *beewolf*, or that there are any superstitions connected with the woodpecker in England, as there are in Germany; the cuckoo and the magpie are our birds of augury. When Grimm then declares himself disposed not to give up the termination *-wulf* in the name, he has only the authority of the poem on his side, in defence of his theory: against which must be placed every other list or genealogy; and it seems to me that these are strongly confirmed by the occurrence of a place called, not Beówulfes hám, but Beówan hám[1], in immediate connection with another named Grendles mere[2]. Whatever the name, this hero was looked upon as the eponymus of various royal races, and this, though the names which have survived are obviously erroneous[3], is distinctive of his real character.

[1] Cod. Dipl. No. 353. [2] Ibid.
[3] Stammtafel der Westsachsen, p. 18 *seq.*

There are various other heroes mentioned in the poem of Beówulf and in the Traveller's Song, some remembrance of which is still preserved in local names in various parts of England. A few words may not be misplaced respecting them. In the first-named poem, the hero's lord and suzerain is invariably named Hygelác; after whose death Beówulf himself becomes king of the Geátas. As Hygelác is said to have perished in fight against the Franks, and as history records the fall of a Danish king Chochilachus in a predatory excursion into the Frankish territory about the beginning of the seventh century[1], Outzen, Leo and others have identified the two in fact as well as name, and drawn conclusions as to the mythical hero, from the historical prince. The coincidence is not conclusive: if Hygelác's name were already mythical in the seventh century, it may easily have been given to any leader who ventured a plundering expedition into the Frankish territory, especially as the warlike records of an earlier Hygelác would be certain to contain some account of Frankish forays: nor was Hygelác, in Danish Hugleikr[2], by any means an uncommon name. On the other hand, if we admit the historical allusion, we must assign a date to, at any rate, that episode of the poem which is hardly consistent with its general character. I am

[1] Leo, in his Beowulf, p. 5, cites Gregor. Turon. iii. 3, and the Gest. Reg. Francorum, cap. 19, for the details of Cochilach's invasion and death.

[2] The name Huhlék, given in Langebeke, and by Geijer, from the Ynglinga Saga, as Hugleck. Hist. Swed. p. 378, tab. ii.

therefore inclined to think that in this instance, as in so many others, an accidental resemblance has been too much relied upon: it is in fact quite as likely (or even more likely) that the historian should have been indebted to the legend, than that the poet should have derived his matter from history. It does seem probable that Hygelác enjoyed a mythical character among the Germans: in the "Altdeutsche Blätter" of Moriz Haupt[1], we find the following statement, taken from a MS. of the tenth century. "De Getarum rege Huiglauco mirae magnitudinis.—Et sunt mirae magnitudinis, ut rex Huiglaucus, qui imperavit Getis et a Francis occisus est, quem equus a duodecimo anno portare non potuit, cuius ossa in Rheni fluminis insula, ubi in oceanum prorumpit, reservata sunt et de longinquo venientibus pro miraculo ostenduntur."

But Hygelác is not known in Germany only: even in England we have traces of him in local names: thus Hygeláces geát[2], which, as the name was never borne by an Anglosaxon,—so far at least as we know,—speaks strongly for his mythical character. That the fortunes, under similar circumstances, of a historical prince, of the same name or not of the same name, should have become mixed up with an earlier legend, is by no means unusual or surprising.

Another hero of the Beówulf cycle is Hnæf the Hócing, whose fate is described in a fine episode[3], and is connected with the poem called "The battle

[1] Book v. part i. p. 10.
[2] Cod. Dipl. No. 566.
[3] Beów. l. 2130 *seq.*

of Finnesburh[1]." Of him too England has something to tell: I find a place was called Hnæfes scylf[2], and further that there was a Hóces byrgels[3], obviously not a Christian burial-place, a Hóces hám[4], and a Hócing mæd[5]. But unless resemblances greatly deceive us, we must admit that this hero was not entirely unknown to the Franks also; Charlemagne's wife Hiltikart, a lady of most noble blood among the Swæfas or Sueves ("nobilissimi generis Suavorum puella") was a near relation of Kotofrit, duke of the Alamanni[6]: in her genealogy occur the names Huocingus and Nebi in immediate succession, and it seems difficult not to see in these Hócing and Hnæf. If, as has been suggested, the Hócings were Chauci or Frisians, their connexion with the Sueves must be of an antiquity almost transcending the limits of history, and date from those periods when the Frisians were neighbours of the Swæfas upon the Elbe, and long before these occupied the highlands of Germany, long in fact before the appearance of the Franks in Gaul, under Chlodio.

Among the heroes of heathen tradition are Wada, Weland and Eigils. All three, so celebrated in the mythus and epos of Scandinavia and Germany, have left traces in England. Of Wada the Traveller's

[1] Printed in the first volume of the author's edition of Beówulf, p. 238.

[2] Cod. Dipl. No. 595.

[3] Ibid. No. 1267.

[4] Ibid. No. 1142.

[5] Ibid. No. 1091.

[6] Thegan. vit. Illudov. Pertz, Mon. ii. 590, 591. Eginhart, § 18. Pertz, Mon. ii. 452, 453.

Song declares that he ruled the Helsings [1]; and even later times had to tell of Wade's *boat* [2], in which the exact allusion is unknown to us: the Scandinavian story makes him wade across the Groenasund, carrying his son upon his shoulder; perhaps our tradition gave a different version of this perilous journey. The names of places which record his name are not numerous, but still such are found, thus Wadanbeorgas [3], Wadanhlæw [4]. It is otherwise, however, with his still more celebrated son, Weland, the Wieland of German, Völundr of Norse and Galand of French tradition. Weland is the most famous of smiths, and all good swords are his work. In Beówulf, the hero when about to engage in a perilous adventure, requests that if he falls his coat-of-mail may be sent home, *Welandes geweorc*, either literally the work of Weland, or a work so admirable that Weland might have made it [5]. Ælfred in his Boetius [6] translates *fidelis ossa Fabricii* by

[1] Line 44. See also Cod. Exon. pp. 320, 514. Ettmüller, Scópes wídsíð.

[2] Chaucer once or twice refers to this in such a way as to show that the expression was used in an obscene sense. Old women, he says, "connen so moche craft in *Wades bote*." Again of Pandarus:

"He song, he plaied, he told a *tale of Wade*."
Troil. Cressid.

In this there seems to lie some allusion to what anatomists have termed *fossa navicularis*, though what immediate connection there could be with the mythical Wada, now escapes us. It is sufficiently remarkable that the Greeks made a similar application of σκάφος.

ὦ παγκατάπυγον θἠμέτερον ἅπαν γένος·
οὐκ ἐτὸς ἀφ' ἡμῶν εἰσὶν αἱ τραγῳδίαι.
οὐδὲν γὰρ ἐσμὲν πλὴν ποσειδῶν καὶ σκάφη.
Aristoph. Lysistr. 137.

[3] Cod. Dipl. No. 55.

[4] Ibid. No. 18.

[5] Beów. l. 901 *seq.*

[6] Boet. de Cons. ii. 7.

"ðæs wísan goldsmiðes bán Welondes," where, as Grimm[1] observes, the word Fabricius (*faber*) may have led him to think of the most celebrated of smiths, Weland. The use made by Sir W. Scott of Weland's name must be familiar to all readers of Kenilworth: from what has been said it will appear how mistaken in many respects his view was. The place in Berkshire which even yet in popular tradition preserves the name of *Wayland smith*, is nevertheless erroneously called; the boundary of a Saxon charter names it much more accurately Welandes smiððe, i. e. *Weland's smithy*, his workshop[2]. The legend of Weland, identical in many respects with that of the Wilkina Saga and other Northern versions, is mentioned in the Cod. Exon. p. 377. Here we find notice taken of his mutilation by Niðaudr, the violence done by him to Böðhildr, and other acts of his revenge[3], all in fact that is most important in this part of his history. Grimm reminds me[4] that the Wilkina Saga makes Weland

[1] D. Myth. p. 351.

[2] Cod. Dipl. No. 1172.

[3] Weland him be wurman
wræces cunnade
.....
siððan hine Níðhad on
néde legde
swoncre seonobande,
onsyllan mon.
.....
Beadohilde ne wæs
hyre bróðra deáð
on sefan swá sár
swá hyre sylfra þing,
ðæt heó gearolíce
ongieten hæfde
ðæt heó eácen wæs, etc.

[4] D. Myth. p. 351.

the constructor of a wondrous boat, and that the act of the son may thus have been transferred to the father, Weland's boat to Wade.

In the Northern tradition appears a brother of Weland, named Eigil or Egil, who is celebrated as an archer, and to whom belongs the wide-spread tale which has almost past into accredited history in the case of William Tell; this tale given by Saxo-Grammaticus to Toko, by the Jomsvíkínga Saga to Palnatoki, and by other authorities to other heroes from the twelfth till the very end of the fifteenth century, but most likely of the very highest antiquity in every part of Europe, was beyond doubt an English one also, and is repeated in the ballad of William of Cloudesley: it is therefore probable that it belongs to a much older cycle, and was as well known as the legends of Wada and Weland, with which it is so nearly connected. Eigil would among the Anglosaxons have borne the form of Ægel, and accordingly we find places compounded with this name,—thus Æglesbyrig, now Aylesbury in Buckinghamshire; Æglesford, now Aylsford in Kent; Ægleslona, in Worcester[1]; Ægleswurð, now Aylsworth in Northamptonshire[2]; also Ægleswyl; and lastly Aylestone in Leicestershire.

The Wilkina Saga and the Scald's Complaint already cited from the Codex Exoniensis, lead us next to the legends of Ðeódric (Dietrich von Bern) and Eormenric, (Hermanaric,) and through the latter to Sigfried and the other heroes of the Nibe-

[1] Cod. Dipl. No. 549.

[2] Ibid. Nos. 591, 423.

lungen cycle. The heroic or even godlike character of Dietrich has been well made out by Grimm[1], and the historical Theodoric the Ostrogoth vanishes in his traditional representative. The Anglosaxon poet evidently refers to the latter, not indeed from the story he tells, but from the collocation of Ðeódríc among merely mythical personages. Perhaps, as the whole scope of his poem is to relate the misfortunes of the great and thus draw consolation for his own, the thirty years' residence in Mæringaburg may be considered as a reference to Ðeódríc's flight from before Otachar[2] and long-continued exile. In a Saxon menology[3] of great antiquity,

[1] D. Myth. p. 346.

[2] The Hiltibrants Lied says,

Hiltibrant haetti min fater. ih heittu Hadubrant.
forn her ostar gihueit. floh her Otachres nid.
hina mit Theotrihhe. enti sinero degano filu.
.....
sid Detrihhe. darba gistontum.
fateres mines. dat uuas so friuntlaos man.

For remarks on Ðeódríc's exile see W. Grimm, Deutsche Heldensage, pp. 22, 24, 34, 36, 37, 201, 204.

[3] MS. C. C. C. Cantab. No. 179. "On ðone eahtateóðan dæg ðæs monðes byð Sce Johannes týd ðæs pápan ⁊ ðæs martyres, se gedyde þurh Godes myht blyndum men gesyhðe. Ðone Johannes for æfstum [héht cwellan] Theodoricus se wæs Gotena cyning in Rauenna ðære ceastre; ⁊ sum wéstensetla on ðám ealonde ðe is nemned Liparus, he sæde sciplíðendum mannum ðæt he gesáwe Johannes sáwle ðæs papan lædan ðone cyning ðe hine ofslóh gebundenne on écum wítum. He cwæð, se Godes þeów, tó ðám sciplíðendum: Girsan dæg on ða nigoðan tíd dæges, ðæt is on ðone nón, þeodricus wæs geléded ungyrd ⁊ unsceód ⁊ eác gebunden be ðám handum, betweoh Johanne ðám pápan ⁊ Finianum ðám ealdormen, ⁊ he wæs fram heom áworpen on byrnende seáð on ðysum neáh-ealande, ⁊ ðæt is nemned Ulcania. And ða sciplíðende ða ðæt gehýredon, hig ymbhydelíce ámearcodon ðone dæg, ⁊ him ðá cyrdon eft tó Etelwara mægðe, ðær hig ðone cyning ær lyfigende forlæton; hig ðá eft hine ðær deádne gemétton, ðý ylcan dæge ðe his wíte ðám Godes þeówe ætywed wæs. Ðæt wæs swíðe riht ðæt

the author, after stating the eighteenth of May to be the commemoration of St. John, Pope and Martyr, goes on to say, that an anchoret on Lipari told certain sailors how at a particular time he had seen king Theodoric, ungirt, barefoot, and bound, led between St. John and St. Finian, and by them hurled into the burning crater of the neighbouring island Vulcano. That on their return to Italy the sailors discovered by comparison of dates that Theodoric died on the day on which the anchoret noticed his punishment by the hands of his victims. The author expressly tells it was Theodoricus, the king of the Goths in Ravenna; and he concludes by saying, "That was Theodoricus the king whom we call Ðeódríc," which we can only understand by supposing him to allude to the mythical Ðeódríc. Ælfred seems also to have known something of the mythical Ðeódríc when he says, "he wæs Amaling," a fact historically true of the Ostrogoth Theodoric, but yet unlikely to have been contained in Ælfred's Latin authorities. The Traveller's Song says[1], "Ðeódríc weóld Froncum," Theodoric ruled the Franks, but this I should rather understand of one of the historical Merwingian kings, than of the Ostrogoth.

The legends of Eormanríc were obviously familiar to the Anglosaxons: in the so often quoted

he fram ðám twám mannum wære sended on ðæt ece fyr, ðaðe he hér unrihtlice ofslóh on ðisum life. Ðæt wæs Þeodoricus ðone we nemnað Ðeódríc." See further illustrations of this strange tale in the Deutsche Heldensage, p. 38, where Otto of Freisingen is quoted, but who does not give nearly so many details as the Anglosaxon legend.

[1] Trav. Song, l. 47.

poem of the Traveller's Song, this celebrated prince is mentioned more than once, as well as in the poem which contains the notices of Weland, Beadohild and Đeódríc. The character given of him in both these compositions denotes a familiarity with the details of his history, as we find them almost universally in the Northern traditions, and more particularly those of his wealth, his cruelty and his treachery.

In Beówulf we have a somewhat further development of his history. We there learn incidentally that Háma (the Ammius of Saxo Grammaticus) carried off from him the Brósinga-mén or mythical collar of the goddess Freya. There can be no doubt that this necklace, called in the Norse traditions Mén Brísínga, is of a most thoroughly mythological character[1], and any reference to it in Saxon poetry is welcome evidence of ancient heathendom: more-

[1] When Loki announced to Freya that Thórr would not recover his hammer unless she married the giant who had become possessed of it, she trembled with rage, so that the halls of the gods shook under her, and the Mén Brísínga burst from her neck: again when Thórr disguises himself in her distinctive dress, he does not forget the necklace. Hamarsheimt, xiii. xv. xix. I am inclined to think the Saxon reading erroneous, and that Brósinga is a mere error of copying. The meaning of the word is obscure: Brising in Norse denotes a fierce flame, and the name of the collar has been explained from its bright and burning colour. Grimm suggests a derivation from a verb *brísan* (found in Middle German under the form *brísen*) *nodare, nodis constringere*, in reference to the form of its links. But the main difficulty in my opinion is found in the plural genitive of the patronymic, and I would almost prefer the hypothesis of our having entirely lost the lay which described its origin: others we certainly have lost which had reference to it, as for instance Loki's and Heimdallr's contention for it. Saxo Grammaticus has a story probably about its origin (p. 13) which is totally unsatisfactory. Were the Brísingas (sons of fire?) its first possessors or makers?

over the Anglosaxon poet alone mentions it in connection with Eormanríc. This peculiar feature is as little known to the other Germanic nations as the beautiful legend of Scyld Scéfing, the loves of Geát and Mæðhild, the dragon-slaughter of Sigmund, the wars of Hengest and Finn Folcwalding, or the noble epos of Beówulf itself: unfortunately we have no detail as to the circumstances under which the necklace of the goddess came into the possession of Eormanríc.

The Traveller's Song however has traces of many heroes who are closely connected with the traditional cyclus of Eormanríc: among these are Sifeca (the false Sibich of Germany) and Becca, the Bikki of the corresponding Norse versions, whom it makes chieftain of the Baningas, perhaps the "sons of mischief" from *Bana*. Háma, already named, and Wudga, the Wittich and Heime of Germany, occur in the same poem: so also the terrible Ætla, Attila the Hun, the Ætli of Scandinavia, the Etzel of the Nibelungen cycle. In the same composition we find Gúðhere, king of the Burgundians, the Norse Gunnar, and German Gunther; and Hagena, probably the Norse Högni, and Hagen the murderer of Sigfried. The Traveller's Song, and the Scóp's Complaint contain no mention of the great hero of the Norse and German epos, Sigurdr Fafnisbani, Sigfried, the betrothed of the Shieldmay Bryhyldur, the husband of the fairhaired Chriemhilt.

All the more welcome to us is the episode in Beówulf, which not only records the tale of Sigurdr, though under the name of his father Sigmund, and

makes particular mention of the dragon-slaughter (Fafnis-bani)—which is a central point in the Norse tradition, although hardly noticed at all in the Nibelungen Lied,—but also refers to the fearful adventures which the Edda relates of the hero and his kinsman Sinfiötli(Fitela) which appear totally unknown in Germany.

Having said thus much of the heroic personages to whom so large a portion of Northern and Germanic tradition is devoted, it becomes possible for me to refer to the great work of James Grimm on German Mythology for a demonstration of the connection between these heroes and the gods of our forefathers. I regret that my own limits render it impossible for me to enter at greater length upon this part of the subject; but it requires a work of no small dimensions, and devoted to it exclusively: and it is therefore sufficient to show the identity of our own heroic story and that of Scandinavia and the continent, and thus enable the English reader to adapt to his own national traditions the conclusions of learned inquirers abroad, with respect to their own [1].

[1] I would particularly call attention to W. Grimm's Deutsche Heldensage, P. Müller's Sagabibliothek, and J. Grimm's Deutsche Mythologie; the last, a very storehouse of all that bears upon this most interesting and important subject, important whether we consider it merely in a literary point of view, or in the far higher one of a revelation of the creed of our forefathers, the sources of their hope and fear, the basis of their moral being and directing motive of their actions. If it be true that nothing human can be without interest for a man, surely that which tells of the religious belief of our forefathers must be of the deepest and nearest interest. It has had something to do with making us what we are.

DIVINATION AND WITCHCRAFT.—The attachment of the Germanic races to divination attracted the notice of Tacitus[1]: he says: "They are as great observers of auspices and lots as any. The way they use their lots is simple: they cut into slips a branch taken from an oak or beech, and having distinguished them by certain marks, scatter them at random and as chance wills over a white cloth. Then if the inquiry is a public one, the state-priest,—if a private one, the father of the house himself,—having prayed to the gods, and looking up to heaven, thrice raises each piece, and interprets them when raised according to the marks before inscribed upon them. If they turn out unfavourable, there is no further consultation that day about the same matter: if they are favourable, the authority of omens is still required. Even here they are acquainted with a mode of interrogating the voices and flight of birds; but it is peculiar to this race to try the presages and admonitions of horses. These, white in colour and subject to no mortal work, are fed at the public cost in the sacred groves and woods: then being harnessed to the sacred chariot, they are accompanied by the priest, the king or the prince of the state, who observe their neighings and snortings. Nor has any augury more authority than this, not only among the common people, but even the nobles and priests: for they think themselves the ministers, but the horses the confidants, of the gods. There is another customary form of auspices, by which they

[1] Germ. x.

inquire concerning the event of serious wars. They match a captive of the nation with which they are at war, however they can come by him, with a select champion of their own, each armed with his native weapons. The victory of this one or that is taken as a presage."

The use of lots as connected with heathendom, that is, as a means of looking into futurity, continued in vogue among the Saxons till a late period, in spite of the efforts of the clergy: this is evident from the many allusions in the Poenitentials, and the prohibitions of the secular law. The augury by horses does not appear to have been used in England, from any allusion at least which still survives; but it was still current in Germany in the seventh century, and with less change of adjuncts than we usually find in the adoption of heathen forms by Christian saints. It was left to the decision of horses to determine where the mortal remains of St. Gall should rest; the saint would not move, till certain unbroken horses were brought and charged with his coffin: then, after prayers, we are told, "Elevato igitur a pontifice nec non et a sacerdote feretro, et equis superposito, ait episcopus: 'Tollite frena de capitibus eorum, et pergant, ubi Dominus voluerit.' Vexillum ergo crucis cum luminaribus adsumebatur, et psallentes, equis praecedentibus, via incipiebatur[1]." It may be imagined that the horses infallibly found the proper place for the saint's burial-place; but what is of importance to us is the use of horses on the occasion. In this country how-

[1] Anon. Vit. Sci. Galli. Pertz, Mon. ii. 17.

ever we have some record of a divination in which not horses but a bull played a principal part; and as bulls were animals sacred to the great goddess Nerthus, it is not unlikely that this was a remnant of ancient heathendom. St. Benedict on one occasion appeared to a fisherman named Wulfgeat, and desired him to announce to duke Æðelwine[1], his lord, that it was his the saint's wish to have a monastery erected to himself, to the pious mother of mercy and All virgins. The spot was to be where he should see a bull stamp with his foot. To use the words of the saint to the fisherman, "Ut ei igitur haec omnia per ordinem innotescas exhortor, sermonem addens sermoni, quatenus scrutetur diligentius in loco praedicto quomodo noctu fessa terrae sua incumbant animalia, *ac ubi taurum surgentem pede dextro viderit percutere terram*, ibidem proculdubio xenodochii sciat se aram erigere debere." Obedient to the order, duke Æðelwine set out in the morning to find the spot: "Mira res, et miranda, ubi vir praedictus insulam est ingressus, ... *animalia sua in modum crucis, taurum vero in medio eorum iacere prospexit.* Et sicut quondam sancto Clementi agnus pede dextro locum fontis, sic viro isti taurus terram pede percutiendo locum mensae futuri arcisterii significavit divinitus[2]." St. Clement's fountain never rolled such floods of gold as found their way to the rich abbey of Ramsey!

Other details of heathendom in the practices of

[1] The same whom the grateful monks have distinguished by the name of *Dei amicus*.

[2] Cod. Dipl. No. 581.

ordinary life must be left to the appendix to this chapter; but a cursory reference may be made to what appears to show a belief in the evil eye, and that practice which in Latin is called *invultuatio*. The former of these is mentioned in the poem of Beówulf[1], where Hróðgár, warning Beówulf of the frail tenure of human life, adds, "eágena bearhtm," *the glance of eyes*, to the many dangers the warrior had to fear:

Nú is ðines mægnes blæd	Now is the bloom of thy strength
áne hwíle,	for a little while,
eft sona bið	soon will it be
ðæt ðec adl oððe ecg	that sickness or the sword
eafoðes getwæfeð,	shall part thee from thy power,
oððe fýres feng,	or clutch of fire,
oððe flódes wylm,	or wave of flood,
oððe grípe meces,	or gripe of sword,
oððe gáres fliht,	or javelin's flight,
oððe atol yldo,	or ugly age,
oððe eágena bearhtm,	or glance of eye,
forsitteð and forsworceð.	shall oppress and darken thee!

Invultuation is defined by Mr. Thorpe in the following words: "a species of witchcraft, the perpetrators of which were called *vultivoli*, and are thus described by John of Salisbury: Qui ad affectus hominum immutandos, in molliori materia, cera forte vel limo, eorum quos pervertere nituntur, effigies exprimunt[2]. To this superstition Virgil alludes:

> "Limus ut hic durescit, et haec ut cera liquescit,
> Uno eodemque igni, sic nostro Daphnis amore.

"Of the practice of this superstition, both in England and Scotland, many instances are to be

[1] Beów. l. 3520.

[2] De Nugis Curial. lib. i. cap. 12.

met with; among the most remarkable, that of Eleanor Cobham, duchess of Gloucester, and Stacey, servant to George duke of Clarence[1]."

But it seems to include also the practising against the life of an enemy by means of a waxen or other figure, in which pins were stuck, or against which a sharp bolt was shot. It is against this crime that the law of Henry the First enacts[2]: "Si quis veneno, vel sortilegio, vel invultuacione, seu maleficio aliquo, faciat homicidium, sive illi paratum sit sive alii, nihil refert, quin factum mortiferum, et nullo modo redimendum sit:" and this is perhaps also intended by the word *liblác* used by Æðelstán[3]. It is also probable that this was the crime for which in the tenth century a widow was put to death by drowning at London Bridge, and her property forfeited to the crown[4]. Anglosaxon homilies however also mention philtres of various kinds, which the people are warned against as dangerous and damnable heathendom.

Such are the fragments of a system which at one time fed the religious yearnings and propped the moral faith of our forefathers,—faint notes from a chorus of triumphant jubilation which once rose to heaven from every corner of the island.

How shall we characterize it? As a dull and debasing *Fetish-worship*, worthy of African savages? or as a vague and colourless *Pantheism*, in which religion vanishes away, and philosophy gropes for a basis which it cannot find? I think not.

[1] Anc. Laws and Inst. vol. ii. Gloss.
[2] Ll. Hen. lxxi. § 1.
[3] Æðelst. i. § 6.
[4] Cod. Dipl. No. 591.

Contemplate the child who bounds through the wood, or pauses in delight upon the meadow, where he wantons in the very joy of life itself: to him this great creation is full of playmates, beings animate or inanimate, with whom he shares his little pleasures, to whom he can confide his little sorrows. He understands their language, and in turn he has a language for them, which he thinks they understand: he knows more of their peculiarities than the halting step of scientific observation is always able to overtake; for he knows what science haughtily refuses to contemplate or, it may be, is unable to appreciate. The birds speak to him, the forests whisper to him, the shadows and the low tones of the hill and valley lull him to repose, the winds wanton with his curled locks and blow them over his shoulders, the streams and brooks have spray to play with and sprinkle in his laughing eyes. He stands before the great spirit of nature, face to face, and knows him as he reveals himself in every one of his divine forms; for the child sees and knows the secrets of God, which the man, alas! is condemned to forget. Such as the child is, has the child-like nation been, before the busy hum of commerce, the crashing strokes of the piston, the heavy murmur of innumerable spinning-jennies necessarily banished more natural music from our ears. An age that thinks about itself and its own capacity, that reflects upon its own processes of thought, and makes great combinations of powers, and anatomizes nature till it becomes familiar with

every secret of creation, may be an earnest puritanical age, a stern protestant age, one that will not be fed with imaginative religions, but it cannot be one of implicit, trusting, fearing, rejoicing, trembling belief: the age of faith ceased where the age of knowledge began. Man knows too much, perhaps believes too little: he will not, and he must not, yield his privilege of calm, determined, obstinate enquiry: he will, and should, judge for himself, weigh evidence, compare and reason, and decide for himself how much or how little he will receive as true. How can he wonder at the stars, their rising, their setting or their eclipse? He calculates where new planets may be found: he weighs them in his balances when found, and tells not only their circumference or their density, but how long the straggling ray of light that started from them was on its journey, before it reached the eye of the gazer. What can these wavering fragments of time and space be to him who calculates duration by the nutation of suns, or the scarcely appreciable difference of millennial changes? Let us remember what our fathers were, and consider what we are. For them there was indeed a time, a period to tell of,

> "when the Sun
> Knew not her dwelling, nor the Moon his power,
> And the Stars knew not where their place should be!"

We know their places, and their dwellings, and their power. They are subordinated to a hypothesis of gravitation. For us there is no wavering bridge of the Gods, no *Bifröst* or *Asbrú*; our rain-

bow is a shadowy thing, a belt of deceptive colours, the reflection of a sunbeam in the multitudinous prisms of a shower-cloud. We have no *Hammer*, wielded by the Thunder-god, and dreaded by the giants; our *Miölner* has vanished into the indifference of opposing electricities. Apothecaries' Hall prepares its simples without the aid of charms, or invocation of divinities; and though we stand as yet but on the threshold of science, we have closed for ever behind us the portals of mystery and belief. For we are raised upon the shoulders of the times gone by, and cast a calm and easy view over the country which our forefathers wandered through in fear and trembling. We fear not what they feared; we cling not to what they clung to, for relief and comfort; we have set up our own idol, the *Understanding*, fortified by laborious experience, taught by repeated struggles and victories, firmly based on conquered, catalogued and inventoried nature, on facts, the stern children of a passionless reality. I know not whether we have gained or lost in this inevitable career of humanity; I have faith only that He who rules the purpose of the ages, has thus cast our lot in the infinite love and wisdom of his own thought. But not to us, or in our finite forms of thought, can the world be as once it was, and the "dull catalogue of common things" admits no admixture of a fancied divinity; nay, so far are we from seeking to instil spirit into matter, that the informing soul itself ceases to be the object of our contemplation, while we are busied with the nerves and tendons,

or charmed with the wonderful combination of details that form the perfect whole. We stand supreme among the subjects of our knowledge; and the marvels of science itself will now not form the stock in trade of a second-class conjuror. Observe the man who threads his way with imperturbable security and speed through the thoroughfares of a densely-peopled metropolis: the crowd throng about him, yet he yields here, he advances there, till at length, almost unconsciously, he has attained the goal of his desire. He is familiar with the straight lines and angles that surround him, he measures his position and stands upright, mistaking, if indeed he think at all, the inconceivably rapid calculations of the understanding for acts of his own spontaneous volition. The unaccustomed eye of the child cannot do this; and he wavers in his steps and stumbles from point to point, helpless, but charming in his helplessness, till practice brings him power, and he too walks and stands upright among men. So is it with the minds of men in early and uninstructed periods, stumbling from belief to belief, resting for support upon every circumstance of surrounding life, and unfurnished with the elements of scientific reasoning, which, by assuring certainty, destroy the vague, indefinite basis of faith, or bring within a narrow and constantly decreasing circle, its vague and indefinite object. We believe the results of Geometry, the theorems of analytic mathematics, because we cannot help ourselves, cannot escape from the inevita-

ble conclusion involved in the premises; but we cannot call this acquiescence faith, or establish upon it a moral claim before our own conscience and our God. And as there can be no reason save in the unintelligible, no faith save in the impossible, all that is brought within the realm of the intellect, or the sphere of the possible, is just so much withdrawn from the circle of religion.

The basis of the religious state in man is the sensation of weakness,—whether that weakness be or be not distinctly traced in the consciousness to the ignorance which is its cause, or to the ultimate, more abstract and more philosophical conviction of sinfulness, in the conscience. Man cannot rest for his anxious desire to know the why and how of every phænomenon he observes: this restlessness is the law of his intellect, that is, the condition of his humanity: he interrogates the phænomena themselves, but if they will give no answer to his question, he will seek it without them. In himself he will seek it in vain. At no time, at no stage of his development can he understand the relation of the subject and the object, or comprehend the copula that unites them. The philosopher the most deeply trained in watching abstract forms of thought, acknowledges with a sigh that even the intuitions of the reason halt in the fetters of the understanding, and that to give objective reality to what can be known only in the forms and through the powers of the subjective, is at best to be guilty of a noble treason to the laws of pure reasoning. And what

shall he do, who is not trained in watching abstract forms of thought? Is he more likely to find the answer in himself? Alas, no! he feels only too surely that his nature can give no satisfying response; that his confined and bounded being is itself full of problems which remain unsolved.

And now let this state be considered with reference to the early inhabitant of a world, whose secrets are yet undiscovered, and on whom no light of heavenly radiance has fallen. For him, as for us, there is no answer either in the phænomenon or in the observer: but he has no reason to reject the supposition of a supernatural influence: everything that surrounds him is filled with evidence of supernatural power. He lives in nearer communion than we do with the world about him: his frame, not yet clogged and vitiated by the habits of an advanced cultivation, is more alive than ours to the external effects of natural causes: the world itself, existing under different conditions of climate, different electrical combinations, not yet subdued by the plough, or the axe of the forester, not yet bridled and trained by the canal, the manufactory or the railroad, has effluences which act upon the nerves and fluids of the man, and which seem to him divine emanations, revelations of the divinity within the lake, the mountain and the tree: the lake, the mountain and the tree he peoples then with gods,—with Nymphs and Nereids, with Oreads and Hamadryads—to whose inward and spiritual action the outward owes its power and its form.

But the outward and visible is not a sign only, of the inward and spiritual; it is a symbol, a part of that which it denotes; it is at once the sower and the seed.

In no age can man be without the great ideas of God, of right, of power, of love, of wisdom; but an age that has not learnt to feed upon abstractions, must find the realization of these ideas in the outward world, and in a few familiar facts of human nature. It strives to give itself an account of itself, and the result of its efforts is a paganism, always earnest and imaginative, often cruel and capricious, as often gentle, affectionate and trusting—for even in spite of cruelty and caprice, the affections will have their way, and trust will find a home. Its inconsistence is the offspring not of guilt, but of imperfect knowledge: it seeks the great solution of all religious problems, a mediator between God and man: it is its error, but not necessarily its crime, that it finds that mediator in the complex of the world itself: no other has been revealed to it; and the reveries of philosophy that haunt the sounding Portico or the flowery swathes of Hymettus, cannot tell of the "Unknown God" to the agriculturist, the huntsman or the pirate.

I believe in two religions for my forefathers: one that deals with the domestic life, and normal state of peace; that sanctifies the family duties, prescribes the relations of father, wife and child, divides the land, and presides over its boundaries; that tells of gods, the givers of fertility and increase, the protectors of the husbandman and the herds-

man; that guards the ritual and preserves the liturgy; that pervades the social state and gives permanence to the natural, original political institutions. I call this the sacerdotal faith, and I will admit that to its teachers and professors we may owe the frequent attempt of later periods to give an abstract, philosophic meaning to mythus and tradition, and to make dawning science halt after religion.

The second creed I will call the heroic; in this I recognize the same gods, transformed into powers of war and victory, crowners of the brave in fight, coercers of the wild might of nature, conquerors of the giants, the fiends and dragons; founders of royal families, around whom cluster warlike comrades, exulting in the thought that their deities stand in immediate genealogical relation to themselves, and share in the pursuits and occupations which furnish themselves with wealth and dignity and power. Let it be admitted that a complete separation never takes place between these different forms of religion; that a wavering is perceptible from one to the other; that the warrior believes his warrior god will bless the produce of his pastures; that the cultivator rejoices in the heroic legend of Wóden and of Baldr, because the cultivator is himself a warrior when the occasion demands his services: still, in the ultimate development and result of the systems, the original distinction may be traced, and to it some of the conclusions we observe must necessarily be referred: it is thus that spells of healing and fruitfulness survive when the great gods have vanished, and that

the earth, the hills, the trees and waters retain a portion of dimmed and bated divinity long after the godlike has sunk into the heroic legend, or been lost for ever.

I can readily believe that the warrior and the noble were less deeply impressed with the religious idea than the simple cultivator. In the first place, the disturbed life and active habits of military adventurers are not favourable to the growth of religious convictions: again, there is no tie more potent than that which links sacred associations to particular localities, and acts, unconsciously perhaps but pervasively, upon all the dwellers near the holy spots: the tribe may wander with all its wealth of thought and feeling; even its gods may accompany it to a new settlement; but the *religio loci*, the indefinable influence of the local association, cannot be transported. Habits of self-reliance, of a proud and scornful independence, are not consistent with the conviction of weakness, which is necessary to our full admission of the divine preeminence; and the self-confident soldier often felt that he could cope with gods such as his had been described to be. In the Greek heroic lay Tydides could attack, defeat, and even wound Ares: I do not know that the Teutonic mythology ever went so far as this; but we have abundant record of a contemptuous disregard with which particular heroes of tradition treated the popular religion. Some selected indeed one god in whom they placed especial trust, and whom they worshiped (as far as they worshiped at all) to the exclusion of the

rest; but more must have participated in that feeling which is expressed in a Danish song,

> "I trust my sword, I trust my steed,
> But most I trust myself at need[1]!"

while to many we may safely apply what is said of a Swedish prince, "han var mikit blandinn i trunni," he was mightily confused in his belief. Still it is certain that a personal character was attributed to the gods, as well as an immediate intervention in the affairs of life. The actual presence of Oþinn from time to time on the battle-field, in the storm, in the domestic privacy of the household, was firmly believed, in Scandinavia; and it is reasonable to assume that Wóden would have been found as active among our German progenitors, had not the earlier introduction of Christianity into Teutonic Europe deprived us of the mythological records which the North supplies. Beda tells us that Eádwini of Northumberland sacrificed and offered thanks to his gods upon the birth of a daughter. Rædwald of Eastanglia, even after his nominal conversion, continued to pay his offerings to idols, and the people of Essex, when labouring under the ravages of a pestilence, abjured the faith of Christ and returned to the service of the ancient gods. But in the personality of God alone resides the possibility of realizing the religious idea.

[1] "Först troer jeg mit gode svärd,
og saa min gode hest,
dernäst troer jeg mine dannesvenne,
jeg troer mig self allerbedst."
Many examples are given in Grimm, Mythol. p. 7.

We possess no means of showing how the religion of our own progenitors or their brethren of the continent, had been modified, purified, and adapted in the course of centuries to a more advanced state of civilization, or the altered demands of a higher moral nature; but, at the commencement of the sixth century we do find the pregnant fact, that Christianity met but little resistance among them, and enjoyed an easy triumph, or at the worst a careless acquiescence, even among those whose pagan sympathies could not be totally overcome. Two suppositions, indeed, can alone explain the facile apostasy to or from Christianity, which marked the career of the earliest converts. Either from a conviction of the inefficacy of heathendom had proceeded a general indifference to religious sanctions, which does not appear to answer other conditions of the problem, or the moral demands of the new faith did not seem to the Saxons more onerous than those to which they were accustomed; for it is the amount of self-sacrifice which a religion successfully imposes upon its votaries, which can alone form a measure of its influence. The fact that a god had perished, could sound strangely in the ears of no worshiper of Baldr; the great message of consolation,—that he had perished to save sinful, suffering man,—justified the ways of God, and added an awful meaning to the old mythus. An earnest, thinking pagan, would, I must believe, joyfully accept a version of his own creed, which offered so inestimable a boon, in addition to what he had heretofore possessed. The final destruction

of the earth by fire could present no difficulties to those who had heard of Surtr and the Twilight of the Gods, or of Allfather's glorious kingdom, raised on the ruin of the intermediate divinities. A state of happiness or punishment in a life to come was no novelty to him who had shuddered at the idea of Nástrond: Loki or Grendel had smoothed the way for Satan. Those who had believed in runes and incantations were satisfied with the efficacy of the mass; a crowd of saints might be invoked in place of a crowd of subordinate divinities; the holy places had lost none of their sanctity; the holy buildings had not been levelled with the ground, but dedicated in another name; the pagan sacrifices had not been totally abolished, but only converted into festal occasions, where the new Christians might eat and drink, and continue to praise God: Hréðe and Eóstre, Wóden, Tiw and Fricge, Ðunor and Sætere retained their places in the calendar of months and days: Erce was still invoked in spells, Wyrd still wove the web of destiny; and while Wóden retained his place at the head of the royal genealogies, the highest offices of the Christian church were offered to compensate the noble class for the loss of their old sacerdotal functions. How should Christianity fail to obtain access where Paganism stepped half way to meet it, and it could hold out so many outward points of union to paganism?

We dare not question the decrees of omnipotence, or enquire into the mysterious operations of omniscient God; it is not for us to measure his infinite

wisdom by the rules of our finite intelligence, or to assume that his goodness and mercy can be appreciated and comprehended by the dim, wavering light of our reason; but man feels that in every age man has had a common nature, a common hope and a common end of being; and we shall do no wrong either to philosophy or to religion, if we believe that even in the errors of paganism there lay the germs of truth; and that the light which lighteth every one that cometh into the world, was vouchsafed in such form and measure as best to subserve the all-wise, all-holy, and all-merciful objects of creation!

APPENDIX.

APPENDIX A.

MARKS.

THE following patronymical names I believe to be those of ancient Marks. The first portion of them is derived from the Codex Diplomaticus and other original authorities: the second portion contains names inferred from the actual local names in England at the present day.

Æslingas.	Kent.	Cod. Dipl. No. 111.
Æscingas.	Surrey.	314.
Anningas.	Northamptonshire.	445.
Antingas.	Norfolk.	785.
Æfeningas.		1073.
Berecingas.	Essex.	38.
Besingas.		994.
Banesingas	Oxfordshire.	81.
Bœrlingas.	Kent.	152.
Beardingas.	Kent.	207.
Beadingas.	Sussex.	314.
Billingas.		1000.
Bruningas.		374, 1113.
Brahcingas.	Hertfordshire.	410.
Brytfordingas.	Hampshire.	421, 985, 1108.
Brydingas.	Wiltshire.	436.
Brydingas.	Dorsetshire.	447.

Bydelingas.	Northamptonshire. Cod. Dipl.	No. 445.
Beaddingas.	Isle of Wight.	475.
Beorhfeldingas.		1175.
Beringas.	Kent.	518.
Buccingas.		Chron. Sax. 918.
Bulungas.	Somersetshire. Cod. Dipl.	No. 569.
Birlingas.	Worcestershire.	570.
Brómleágingas.	Kent.	657.
Beorganstedingas.	Sussex.	663.
Boccingas.	Essex.	698.
Beorhtingas.	Sussex.	782.
Bercingas.	Suffolk.	907.
Byrtingas.	Warwickshire.	916.
Culingas.	Kent.	132.
Centingas.		Chron. Sax. 999.
Crangas.	Kent. Cod. Dipl.	No. 179.
Ceanningas.		1193.
Colingas.	Wiltshire.	336.
Cearningas.		1212.
Ciwingas.	Hertfordshire.	410.
Cytringas.	Northamptonshire.	443.
Cnyllingas.	Northamptonshire.	480.
Cystáningas.	Kent.	657.
Cateringas.		722.
Coringas.	Lincolnshire.	953.
Cyceriugas.		957.
Dicelingas.	Sussex.	314.
Deutúningas.	Northamptonshire.	445.
Doccingas.	Norfolk.	759.
Eohingas.	Kent.	121.
Englungas.		123.
Eástringas.	Northamptonshire.	480.
Earmingas.	Cambridgeshire.	563.

Earningas.	Cod. Dipl. No. 1320.	
Embasingas.	Hampshire.	673.
Eastúningas.		1023.
Eofordúningas.	Northamptonshire.	736.
Erpingas.	Norfolk.	785.
Effingas.	Surrey.	812.
Erningas.	Cambridgeshire.	907.
Ferlingas.	Somersetshire.	73.
Fullingas.		987.
Focingas.	Kent.	207.
Fasingas.		1083.
Fearningas.	Hampshire.	450.
Fearnbeorgingas.	Kent.	657.
Fingringas.	Essex.	685.
Fearningas.	Somersetshire.	723.
Frinningas.	Kent.	896.
Glæstingas.	Somersetshire.	49.
Geddingas.	Middlesex.	101.
Gumeningas.	Middlesex.	116.
Gustingas.	Wiltshire.	174.
Getingas.	Surrey.	318.
Garungas.	Kent.	364.
Grundlingas.	Worcestershire.	548.
Gildingas.	Kent.	790.
Gillingas.		809. Chron. 1010.
Gyrstlingas.		967.
Hallingas.	Kent.	160.
Hæstingas.		Chron. Sax. 1050.
Heallingas.	Worcestershire. Cod. Dipl. No. 209.	
Heretúningas.	Dorsetshire.	412
Hrepingas.		990.
Hoppingas.	Surrey.	537.
Hæglingas.		1193.

Heántuningas.	Cod. Dipl. No.	1212.
Heartingas.	Cambridgeshire.	533.
Hwæssingas.	Sussex.	591.
Hohtúningas.	Hampshire.	633.
Hnutscillingas.	Hampshire.	642.
Holingas.	Kent.	722.
Heningas.	Northamptonshire.	733.
Herelingas.	Norfolk.	782.
Hodingas.	Hampshire.	783.
Hanningas.	Norfolk.	785.
Hellingas.	Norfolk.	809.
Horningas.	Hampshire.	556.
Horningas.	Norfolk.	740.
Horningas.	Oxfordshire.	775.
Horningas.	Somersetshire.	816.
Horningas.	Cambridgeshire.	907.
Hiccingas.		971.
Hæcingas.	Kent.	364.
Ircingas.		Chron. Sax. 918.
Lingas.	Middlesex. Cod. Dipl. No.	159.
Lællingas.	Essex.	715.
Lamburningas.	Berkshire.	792.
Linfrodingas.		1133.
Lacingas.		1153.
Merlingas.	Somersetshire.	73.
Mundlingas.	Kent.	107.
Mallingas.	Kent.	240.
Módingas.	Kent.	287.
Michæmingas.	Surrey.	537.
Meringas.		809.
Mæssingas.		953.
Nessingas.		813.

Neddingas.	Suffolk.	Cod. Dipl. No. 907.
Oddingas.	Worcestershire.	209.
Pegingas.		257.
Pæccingas.	Sussex.	414.
Purbicingas.	Dorsetshire.	418.
Palingas.	Sussex.	432.
Puningas.	Sussex.	481.
Piccingas.		812.
Piperingas.		1001.
Peartingas.		1016.
Rícingas.	Essex.	35.
Rœgingas.	Kent.	196.
Reádingas.	Berkshire.	685.
Rodingas.		907.
Rocingas.		1014.
Ruwanoringas.		1163.
Stoppingas.	Warwickshire.	83.
Sunningas.	Berkshire.	214.
Sempingas.	Lincolnshire.	267.
Stæningas.	Sussex.	314.
Scearingas.	Berkshire.	357.
Suntingas.	Northamptonshire.	445.
Snotingas.		Chron. Sax. 922.
Súðtúningas.	Hampshire.	Cod.Dipl.No. 578.
Stameringas.	Berkshire.	762.
Seaxlingas.	Norfolk.	782.
Scealdedeningas.	Hampshire.	783.
Stutingas.	Kent.	773.
Scitingas.		1042.
Terringas.	Sussex.	1138.
Terringas.	Kent.	405.

Tótingas.	Surrey.	Cod. Dipl. No. 363.
Tótingas.	Norfolk.	785.
Teofuntingas.	Wiltshire.	379.
Tudingas.	Sussex.	593.
Terlingas.	Essex.	907.
Ticcingas.		928.
Uggafordingas.	Wiltshire.	778.
Wócingas.	Surrey.	168.
Wígingas.	Kent.	225.
Wígingas.	Hertfordshire.	Chron. Sax. 921.
Wealthæmingas.	Hampshire.	Cod. Dipl. No. 342.
Weodúningas.	Northamptonshire.	399.
Wrætlingas.		399.
Wellingas.	Hertfordshire.	410.
Wealingas.		716.
Wealingas.		1016. 1061. Chron. Sax. 1013.
Wealingas.	Hampshire.	Cod. Dipl. No. 422.
Welingas.	Wiltshire.	462.
Welingas.		1069. 1154.
Witringas.	Sussex.	464.
Wyrtingas.	Hampshire.	481.
Woðringas.	Kent.	492.
Wudutúningas.	Hampshire.	638.
Wealdingas.	Suffolk.	685.
Wanetingas.	Berkshire.	698.
Witeringas.		992.
Weopingas.		721.
Westmoringas.		Chron. Sax. 966.
Wilringas.	Suffolk.	Cod. Dipl. No. 759.
Wælsingas.	Norfolk.	759.
Wylfingas.		1135.
Wratingas.		907.
Wanhæmingas.		1135.

Winlingas.		Cod. Dipl. No. 907.
Wasingas.		1159. 1173.
Wedringas.		907.
Watingas.		907.
Wintringas.		953.
Weargeburningas.	Hampshire.	783.
Wimbedúningas.	Surrey.	537.
Ytingas.		1228. Chron. Sax. 906.
Đutingas.	Hampshire.	Cod. Dipl. No. 752.
Đorningas.	Kent.	207.
Đristlingas.	Worcestershire.	570.
Writolas.	Essex.	35.
Hogebúra.	Hampshire.	589.
Holigan.		952.
Momelas.		952.
Wægelas.	Somersetshire.	774.
Beohhæme.	Kent.	657.
Burhhæme.	Kent.	688.
Cethæme.	Kent.	688.
Cynghæme.		1212.
Crohhæme.	Worcestershire.	507.
Díchæme.	Wiltshire.	778.
Hinhæme.	Worcestershire.	764.
Middelhæme.	Hampshire.	648.
Monninghæme.	Worcestershire.	645.
Leófeshæme.	Kent.	657.
Micghæme.	Hampshire.	638.
Polhæme.	Hampshire.	642. 1136.
Secghæme.	Worcestershire.	764.
Uppinghæme.	Hampshire.	590.
Wícheme.	Kent.	657. 1038.
Đornhæme.	Worcestershire.	511.

Beonotsetan.	Worcestershire.	Cod. Dipl. No. 266.
Brádsetan.	Worcestershire.	289.
Brádsetan.	Gloucestershire.	274.
Crægsetan.	Kent.	287.
Crudsetan.	Wiltshire.	460.
Grimsetan.	Worcestershire.	561.
Incsetan.	Worcestershire.	511.
Mósetan.	Worcestershire.	266.
Wreocensetan.	Worcestershire.	277.

MARKS INFERRED FROM LOCAL NAMES IN ENGLAND.

Æbingas.	Abinger, *Surr.*; Abinghall, *Glouc.*; Abington, *Camb.*
Æblingas.	Ablington, *Glouc.*; Ablington, *Wilts.*
Æcingas.	Oakington, *Camb.*
Æceringas.	Accrington, *Lanc.*; Eakring, *Notts.*
Æclingas.	Acklington, *Nthld.*
Aldingas.	Aldingbourn, *Sussx.*; Aldingham, *Lanc.*; Aldington, *Kent* and *Worc.*
Aldringas.	Aldringham, *Suff.*; Aldrington, *Sussx.*
Ælcingas.	Alkington, *Glouc.* and *Salop.*
Ælcringas.	Alkrington, *Lanc.*
Ælingas.	Allington, *Devon, Dors,, Hants, Kent, Linc., Wilts.*
Ælmingas.	Almington, *Staff.* and *Warw.*
Ælmodíngas.	Almodington, *Sussx.*
Ælfingas.	Alphington, *Devon*; Alvington, *Glouc., Somers.* and *Devon*; Alvingham, *Linc.*
Ælpingas.	Alpington, *Norf.*
Ælwingas.	Alwington, *Devon.*
Angmeringas.	Angmering, *Sussx.*
Antingas.	Antingham, *Norf.*
Ardingas.	Ardingly, *Sussx.*; Ardington, *Berks.*

Arlingas. Arlingham, *Glouc.*; Arlington, *Devon, Glouc.* and *Sussx.*

Armingas. Armingford, *Camb.*; Arminghall, *Norf.*

Arringas. Arrington, *Camb.*

Arðingas. Arthington, *York.*; Arthingworth, *Nhamp.*

Artingas. Artington, *Sussx.*

Æscingas. Astringdon, *Essex*; Astrington, *Sussx.*, *Somers.* and *Nthld.*; Ashendon, *Bucks.*

Æsclingas. Ashling, *Sussx.*

Æðeringas. Athrington, *Devon* and *Sussx.*

Ætingas. Attington, *Oxf.*

Æfingas. Avington, *Berks.* and *Hants.*

Bæbingas. Babbingley, *Norf.*; Babington, *Somers.*

Bædingas. Baddington, *Chesh.*; Badingham, *Suff.*

Bæcgingas. Badgington, *Glouc.*; Baginton, *Warw.*

Bædlingas. Badlingham, *Camb.*

Balcingas. Balking, *Essex.*

Bælingas. Ballingdon, *Essex*; Ballingham, *Heref.*

Baningas. Banningham, *Norf.*

Beorcingas. Barking, *Essex*, *Suff.* and *Mddx.*

Beorlingas. Barling, *Essex*; Barlings, *Linc.*

Beormingas. Barming, *Kent*; Birmingham, *Warw.*

Beorningas. Barningham, *Suff.*, *York.* and *Norf.*

Beorringas. Barrington, *Camb.*, *Somers.*, *Berks.*, *Glouc.*

Beortingas. Bartington, *Chesh.*

Basingas. Basing, *Hants*; Basingstoke, *ibid.*

Bassingas. Bassingbourn, *Camb.*; Bassingfield, *Notts*; Bassingham, *Linc.*; Bassingthorpe, *Linc.*; Bassington, *Nthld.*

Bafingas. Bavington, *Nthld.*

Bealingas. Bealings, *Suff.*

Bebingas. Bebington, *Chesh.*

Beceringas. Beckering, *Linc.*

Beccingas. Beckingham, *Essex*, *Linc.*, *Notts*; Beckington, *Somers.*

Beadingas.	Beddingham, *Sussx.*; Beddington, *Surr.*; Bedfield, *Suff.*; *Bedingham, Norf.*
Bædlingas.	Bedlington, *Drhm.*
Bécingas.	Beeching Stoke, *Wilts.*
Bédingas.	Beeding, *Sussx.*
Bellingas.	Bellingdon, *Bucks*; Bellinger, *Hants*; Bellingham, *Nthld.*
Beltingas.	Belting, *Kent.*
Benningas.	Benningbrough, *York.*; Benningholme, *York.*; Bennington, *Herts, Linc.*; Benningworth, *Linc.*
Bensingas.	Bensington, *Oxf.*
Berringas.	Berrington, *Drhm., Glouc., Salop, Worc.*
Bessingas.	Bessingby, *York.*; Bessingham, *Norf.*
Beofingas.	Bevington, *Warw.*
Biccingas.	Bickington, *Devon.*
Billingas.	Billing, *Nhamp.*; Billinge, *Lanc.*; Billingford, *Norf.*; Billingham, *Drhm.*; Billinghay, *Linc.*; Billingley, *York.*; Billingsgate, *Mddx.*; Billingshurst, *Sussx.*; Billingside, *Drhm.*; Billingsley, *Salop*; Billington, *Bedf., Staff., Lanc.*
Bilsingas.	Bilsington, *Kent.*
Bingas.	Bing, *Suff.*; Bingfield, *Nthld.*; Bingham, *Nhamp., Somers.*; Bingley, *York.*
Binningas.	Binnington, *York.*
Bircingas.	Birchington, *Kent.*
Bridingas.	Birdingbury, *Warw.*
Birlingas.	Birling, *Kent, Nthld.*; Birlingham, *Worc.*
Biteringas.	Bittering, *Norf.*
Blæcingas.	Blatchington, *Sussx.*; Blatchinworth, *Lanc.*
Blædingas.	Bleddington, *Glouc.*
Bleccingas.	Bletchingley, *Surr.*; Bletchington, *Oxf.*
Bliclingas.	Blickling, *Norf.*
Bobbingas.	Bobbing, *Kent*; Bobbington, *Salop, Staff.*; Bottingworth, *Essex*; Bobinger, *Essex.*
Bocingas.	Bocking, *Essex, Suff.*
Boddingas.	Boddington, *Glouc., Nhamp.*

Bolingas.	Bolingbroke, *Linc.*
Bollingas.	Bollington, *Chesh.*
Bondingas.	Bondington, *Somers.*
Bonningas.	Bonnington, *Kent* and *Notts*; Boningale, *Salop*; Boninghall, *Salop.*
Bosingas.	Bossingham, *Kent*; Bossington, *Hants, Somers.*
Bofingas.	Bovingdon, *Herts.*
Bradingas.	Brading, *Hants.*
Brentingas.	Brantingham, *York.*; Brentingley, *Leic.*
Brahcingas.	Braughin, *Herts.*
Bressingas.	Bressingham, *Norf.*
Bridlingas.	Bridlington, *York.*
Brihtlingas.	Brightling, *Sussx.*; Brightlingsea, *Essex.*
Brimingas.	Brimington, *Derby.*
Bringas.	Brington, *Hunt.* and *Nhamp.*; Bringhurst, *Leic.*
Bríningas.	Briningham, *Norf.*
Brinningas.	Brinnington, *Chesh.*
Brislingas.	Brislington, *Somers.*
Britingas.	Brittenton, *Oxf.*
Bucingas.	Buckingham, *Bucks.*
Budingas.	Buddington, *Sussx.*
Bulcingas.	Bulkington, *Warw.*, *Wilts.*
Bullingas.	Bullingdon, *Oxf.*; Bullingham, *Heref.*; Bullington, *Hants* and *Linc.*
Buntingas.	Buntingford, *Herts.*
Burlingas.	Burlingham, *Norf.*; Burlington, *York.*
Burmingas.	Burmington, *Warw.*
Burringas.	Burringham, *Linc.*; Burrington, *Devon, Heref., Somers.*
Buslingas.	Buslingthorpe, *Linc.*
Byttingas.	Butting Hill, *Sussx.*
Cædingas.	Caddington, *Bedf., Herts*; Keddington, *Linc.*; Kedington, *Essex, Suff.*
Callingas.	Callington, *Cornw.*
Cægingas.	Keyingham, *York.*

Cameringas.	Cameringham, *Linc.*; Cammerton, *Cumb.*
Canningas.	Cannings, *Wilts*; Cannington, *Somers.*; Kenninghall, *Norf.*; Kennington, *Berks.*, *Kent*, *Surr.*
Ceardingas (?Heardingas)	Cardington, *Bedf.*, *Salop*; Cardinham, *Cornw.*
Cearlingas.	Carlingcot, *Somers.*; Carlinghow, *York.*
Cerringas.	Carrington, *Chesh.*, *Linc.*, *Notts*; Charing, *Kent*; Cherrington, *Salop*, *Wilts.*
Cersington.	Carsington, *Derby.*
Cæssingas.	Cassington, *Oxf.*
Ceadlingas.	Chaddlington, *Oxf.*
Cealfingas.	Chalvington, *Sussx.*; Kilvington, *York.*
Ceandlingas.	Chandlings, *Berks.*
Ceadingas.	Cheddington, *Bucks*, *Dors.*
Cyllingas.	Chellington, *Bedf.*; Chillingford, *Staff.*; Chillingham, *Nthld.*; Chillington, *Devon*, *Somers.*; Kelling, *Norf.*; Kellingley, *York.*; Kellington, *York.*
Ceassingas.	Chessington, *Surr.*; Kessingland, *Suff.*
Cifingas.	Chevington, *Suff.*, *Nthld.*
Cyrclingas.	Kirklington, *Notts*, *York.*
Cidingas.	Chiddingfold, *Surr.*; Chiddingly, *Sussx.*; Chiddingstone, *Kent*; Kiddington, *Oxf.*
Cirmingas.	Kirmington, *Linc.*
Ciltingas.	Chiltington, *Sussx.*
Cemesingas.	Kemsing, *Kent.*
Cypingas.	Chipping, *Herts*, *Lanc.*, *Glouc.*, *Berks.*, *Oxf.*, *Essex*, *Nhamp.*, *Bucks.*
Cenesingas.	Kensington, *Mddx.*
Ceopingas.	Choppington, *Drhm.*
Cetringas.	Kettering, *Nhamp.*; *Ketteringham*, *Norf.*
Clæfringas.	Clavering, *Essex*, *Norf.*
Cyrtlingas.	Kirtling, *Camb.*; Kirtlington, *Oxf.*
Climpingas.	Climping, *Sussx.*
Cýslingas.	Kislingbury, *Nhamp.*

Coceringas.	Cockerington, *Linc.*
Cnudlingas.	Knedlington, *York.*
Cocingas.	Cocking, *Sussx.*; Cockington, *Devon.*
Codingas.	Coddington, *Chesh.*, *Heref.*, *Notts*; Coddenham, *Suff.*
Codringas.	Codrington, *Glouc.*
Collingas.	Collingbourne, *Wilts*; Collingham, *Notts*, *York.*; Collington, *Heref.*; Collingtree, *Nhamp.*
Cnossingas.	Knossington, *Leic.*
Cnottingas.	Knotting, *Bedf.*; Knottingley, *York.*
Culingas.	Cooling, *Kent*; Cowling, *Suff.*, *York.*
Copingas.	Copping Syke, *Linc.*; Coppingford, *Hunt.*
Coringas.	Corringham, *Essex*, *Linc.*
Cosingas.	Cossington, *Leicest.*, *Somers.*
Cotingas.	Cottingham, *Nhamp.*, *York.*; Cottingley, *York.*; Cottingwith, *York.*
Cofingas.	Covington, *Hunt.*
Cramlingas.	Cramlington, *Nthld.*
Creótingas.	Creeting, *Suff.*
Cressingas.	Cressing, *Essex*; Cressingham, *Norf.*
Cridlingas.	Cridling Stubbs, *York.*
Crucgingas.	Crudgington, *Salop.*
Cubingas.	Cubbington, *Warw.*
Cublingas.	Cublington, *Bucks.*
Cwædringas.	Quadring, *Linc.*
Cycelingas.	Cucklington, *Somers.*
Cwæringas.	Quarrington, *Drhm.*, *Linc.*
Cydingas.	Cuddington, *Bucks*, *Chesh.*, *Surr.*
Cydlingas.	Kidlington, *Oxf.*
Cullingas.	Cullingworth, *York.*
Cweningas.	Quenington, *Glouc.*
Culmingas.	Culmington, *Salop*; Kilmington, *Devon*, *Somers.*
Cylingas.	Killingbeck, *York.*; Killinghall, *York.*; Killingholm, *Linc.*; Killingworth, *Nthld.*
Dædlingas.	Dadlington, *Leic.*

Dæglingas.	Daglingworth, *Glouc.*
Dællingas.	Dalling, *Norf.*; Dallinghoo, *Suff.*; Dallington, *Nhamp., Sussx.*
Deorlingas.	Darlingscott, *Worc.*; Darlington, *Drhm.*
Deorringas.	Darrington, *York.*
Dartingas.	Dartington, *Devon.*
Dæfingas.	Davington, *Kent.*
Deoplingas.	Debtling, *Kent.*
Deddingas.	Deddington, *Oxf.*
Denningas.	Dennington, *Suff.*
Deorsingas.	Dersingham, *Norf.*; Dorsington, *Glouc., Warw.*
Dicringas.	Dickering, *York.*
Diddingas.	Diddington, *Hunt.*
Didlingas.	Didling, *Sussx.*; Didlington, *Dors., Norf.*
Dillingas.	Dillington, *Norf.*
Dimlingas.	Dimlington, *York.*
Dinningas.	Dinnington, *Nthld., Somers., York.*
Dintingas.	Dinting, *Derby.*
Dissingas.	Dissington, *Nthld.*
Distingas.	Distington, *Cumb.*
Dicclingas.	Ditchling, *Sussx.*
Docingas.	Docking, *Norf.*
Dodingas.	Doddinghurst, *Essex*; Doddington, *Camb., Chesh., Kent, Linc., Nthld., Nhamp.*; Doddingtree, *Worc.*; Dodington, *Glouc., Salop, Somers.*
Doningas.	Donington, *Linc., Leic., Salop*; Donnington, *Berks., Glouc., Heref., Leic., Salop, Sussx.*
Deorcingas.	Dorking, *Surr.*
Dormingas.	Dormington, *Heref.*
Dorringas.	Dorrington, *Linc., Salop.*
Drihlingas.	Drighlington, *York.*
Dycingas.	Duckington, *Chesh.*; Dykings, *Linc.*
Dyclingas.	Ducklington, *Oxf.*
Dylingas.	Dullingham, *Camb.*
Dyningas.	Dunningley, *York.*; Dunnington, *Warw., York.*; Dunningwith, *Suff.*

Dyringas. Durrington, *Sussx.*, *Wilts.*

Ealingas. Ealing, *Mddx.*; Eling, *Hants.*
Eardingas. Eardington, *Salop*; Erdington, *Warw.*
Esingas. Easbing, *Surr.*; Easington, *Bucks, Drhm., Glouc., Nthld., Oxf., York.*; Easingwold, *York.*
Eastingas. Eastington, *Dors., Glouc., Worc.*
Eastlingas. Eastling, *Kent.*
Eastringas. Eastrington, *York.*
Eberingas. Ebrington, *Glouc.*
Ecgingas. Eckington, *Derby., Worc.*; Eggington, *Bedf.*; Etchingham, *Sussx.*
Edingas. Edingale, *Staff.*; Edingley, *Notts*; Edingthorp, *Norf.*; Edington, *Berks., Nthld., Somers., Wilts*; Edingworth, *Somers.*
Eadlingas. Edlingham, *Nthld.*; Edlington, *Linc., York.*
Eafingas. Effingham, *Surr.*
Ecglingas. Eglingham, *Nthld.*
Elcingas. Elkington, *Nhamp., Linc.*
Elringas. Ellerington, *Nthld.*
Ellingas. Ellingham, *Hants, Norf., Nthld.*; Ellingstring, *York.*; Ellington, *Hunt., Kent, Nthld., York.*
Elmingas. Elmington, *Nhamp.*
Elsingas. Elsing, *Norf.*
Eltringas. Eltringham, *Nthld.*
Elfingas. Elvington, *York.*
Empingas. Empingham, *Rutl.*
Eppingas. Epping, *Essex.*
Earmingas. Ermington, *Devon.*
Eorpingas. Erpingham, *Norf.*
Eorringas. Erringden, *York.*
Essingas. Essington, *Staff.*
Ettingas. Ettinghall, *Staff.*
Eoferingas. Everingham, *York.*
Efingas. Evingar, *Hants*; Evington, *Glouc., Leic.*
Escningas. Exning, *Suff.*

Fealcingas.	Falkingham, *Linc.*; Felkington, *Drhm.*
Fealdingas.	Faldingworth, *Linc.*; Fawdington, *York.*
Fearingas.	Faringdon, *Devon*; Farringdon, *Dors., Hants, Berks., Somers.*; Farrington, *Lanc., Somers.*
Feorlingas.	Farlington, *Hants, York.*
Feormingas.	Farmington, *Glouc.*
Fearningas.	Farningham, *Kent.*
Felmingas.	Felmingham, *Norf.*
Ferringas.	Ferring, *Sussx.*
Fiddingas.	Fiddington, *Glouc., Somers., Wilts,*
Fillingas.	Fillingham, *Linc.*
Fincingas.	Finchingfield, *Essex.*
Fingringas.	Fringringhoe, *Essex.*
Finningas.	Finningham, *Suff.*; Finningley, *Notts, York.*; Vennington, *Salop.*
Fitlingas.	Fitling, *York.*
Fleccingas.	Fletching, *Sussx.*
Fobingas.	Fobbing, *Essex.*
Folcingas.	Folkingham, *Linc.*; Folkington, *Sussx.*
Fordingas.	Fordingbridge, *Hants*; Fordington, *Dors., Linc.*
Foðeringas.	Fotheringay, *Nhamp.*
Framingas.	Framingham, *Norf.*; Fremington, Devon, York.
Framlingas.	Framlingham, *Suff.*; Framlington, Nthld.
Frescingas.	Fressingfield, *Suff.*
Fringas.	Fring, *Norf.*; Fringford, *Oxf.*
Frodingas.	Frodingham, *Linc., York.*
Funtingas.	Funtington, *Sussx.*
Fylingas.	Fylingdales, *York.*; Fylingthorpe, *York.*
Gægingas.	Gagingwell, *Oxf.*; Ginge, *Berks.*
Galmingas.	Galmington, *Somers.*
Gamelingas.	Gamlingay, *Camb.*; Gembling, York.
Gárlingas.	Garlinge, *Kent.*
Gærsingas.	Garsington, *Oxf.*; Grassington, *York.*; ham, *Lanc.*; Gressenhall, *Norf.*
Gealdingas.	Yalding, *Kent*; Yielding, *Bedf.*

Geddingas.	Gedding, *Suff.*; Geddington, *Nhamp.*; Yeading, *Mddx.*; Yeddingham, *York.*
Gearlingas.	Yarlington, *Somers.*
Gædlingas.	Gedling, *Notts.*
Gearingas.	Yarrington, *Oxf.*
Gestingas.	Gestingthorpe, *Essex.*
Geofoningas.	Yeavening, *Nthld.*
Giddingas.	Gidding, *Hunt.*
Geátingas.	Yettington, *Devon.*
Gildingas.	Gildingwells, *York.*
Gillingas.	Gilling, *York.*; Gillingham, *Dors., Kent, Norf.*; Yelling, *Hunt.*
Gimingas.	Gimingham, *Norf.*; Gimmingbrook, *Kent.*
Gipingas.	Gipping, *Suff.*
Gislingas.	Gislingham, *Suff.*
Gitlingas.	Yetlington, *Nthld.*
Glæstingas.	Glastonbury, *Somers.*
Glæferingas.	Glevering, *Suff.*
Goddingas.	Goddington, *Oxf.*
Goldingas.	Golding Stoke, *Leic.*; Goldings, *Surr.*; Goldington, *Bedf., Bucks.*
Gáringas.	Goring, *Oxf., Suff.*
Goðringas.	Gotherington, *Glouc.*
Græ̆gingas.	Grayingham, *Linc.*
Gystlingas.	Guestling, *Sussx.*
Gytingas.	Guyting, *Glouc.*
Hæcingas.	Hackington, *Kent.*
Hædingas.	Haddington, *Linc.*
Hallingas.	Hallingbury, *Essex*; Hallington, *Linc., Nthld.*
Haningas.	Hanningfield, *Essex*; Hannington, *Hants, Nhamp., Wilts.*
Hæpingas.	Happing, *Norf.*
Heardingas.	Hardingham, *Norf.*; Hardington, *Somers.*; Hardingstone, *Nhamp.*; Harden, *York.*; Hardendale, *Wmld.*; Hardenhuish, *Wilts.*

Herelingas.	Harling, *Norf.*; Harlington, *Bedf.*, *Mddx.*, *York.*
Hearingas.	Harrington, *Cumb.*, *Linc.*, *Nhamp.*; Harringworth, *Nhamp.*
Heortingas.	Harting, *Sussx.*; Hartington, *Derby.*, *Nthld.*; Hertingfordbury, *Herts.*
Heortlingas.	Hartlington, *York.*
Heorfingas.	Harvington, *Worc.*
Hæslingas.	Haslingden, *Lanc.*; Haslingfield, *Camb.*; Haslington, *Chesh.*; Heslington, *York.*
Hæssingas.	Hassingham, *Norf.*
Hæstingas.	Hastings, *Sussx.*, *Berks*, *Warw.*, *Nhamp.*; Hastingleyt, *Kent*; Hastingwood, *Essex.*
Hæferingas.	Havering, *Essex*; Haveringham, *Suff.*; Haveringland, *Norf.*
Hafocingas.	Hawkinge, *Kent.*
Hæglingas.	Hawling, *Glouc.*; Hayling, *Hants.*
Heáfodingas.	Headingley, *York.*; Headington, *Oxf.*; Heddington, *Wilts*; Hedingham, *Essex.*
Healingas.	Healing, *Linc.*
Hæcingas.	Heckingham, *Norf.*; Heckington, *Linc.*; Heighington, *Drhm.*, *Linc.*
Hellingas.	Hellinghill, *Nthld.*; Hellingly, *Sussx.*
Helmingas.	Helmingham, *Suff.*; Helmington, *Drhm.*
Helpringas.	Helprington, *Linc.*
Helsingas.	Helsington, *Wmld.*
Hemlingas.	Hemblington, *Norf.*; Hemlingford, *Warw.*; Hemlington, *York.*, *Drhm.*
Hemingas.	Hemingbrough, *York.*; Hemingby, *Linc.*; Hemingfield, *York.*; Hemingford, *Hunt.*; Hemingstone, *Suff.*; Hemington, *Nhamp.*, *Somers.*
Hensingas.	Hensingham, *Cumb.*; Hensington, *Oxf.*
Heorringas.	Herring, *Dors.*; Herringby, *Norf.*; Herringfleet, *Suff.*; Herringstone, *Dors.*; Herringswell, *Suff.*; Herringthorpe, *York.*; Herrington, *Drhm.*
Heofingas.	Hevingham, *Norf.*
Hiccelingas.	Hickling, *Norf.*, *Notts.*

Hillingas.	Hillingdon, *Mddx.*; Hillington, *Norf.*
Hindringas.	Hindringham, *Norf.*
Hócringas.	Hockering, *Norf.*
Hodingas.	Hoddington, *Hants.*
Holdingas.	Holdingham, *Linc.*
Holingas.	Hollingbourn, *Kent*; Hollingdon, *Bucks*; Hollinghill, *Nthld.*; Hollington, *Derb.*, *Staff.*, *Sussx.*; Hollingworth, *Chesh.*
Homingas.	Homington, *Wilts.*
Honingas.	Honing, *Norf.*; Honingham, *Norf.*; Honington, *Linc.*, *Suff.*, *Warw.*
Horblingas.	Horbling, *Linc.*
Horningas.	Horning, *Norf.*; Horninghold, *Leic.*; Horninglow, *Staff.*; Horningsea, *Camb.*; Horningsham, *Wilts*; Horningsheath, *Suff.*; Horningtoft, *Norf.*
Horingas.	Horrington, *Somers.*
Horsingas.	Horsington, *Linc.*, *Somers.*
Hoferingas.	Hoveringham, *Notts.*
Hofingas.	Hovingham, *York.*
Hucingas, or Hocingas.	Hucking, *Kent.*
Hudingas.	Huddington, *Worc.*
Huningas, or Hundingas.	Hunningham, *Warw.*; Hunnington, *Salop.*
Hunsingas.	Hunsingore, *York.*
Hyrstingas.	Hurstingstone, *Hunt.*
Icelingas.	Icklingham, *Suff.*
Illingas.	Illington, *Norf.*; Illingworth, *York.*
Ilmingas.	Ilmington, *Glouc.*, *Warw.*
Ilsingas.	Ilsington, *Devon.*, *Dors.*
Immingas.	Immingham, *Linc.*
Impingas.	Impington, *Camb.*
Ipingas.	Iping, *Sussx.*
Irmingas.	Irmingland, *Norf.*

Irðingas.	Irthington, *Cumb.*
Irðlingas.	Irthlingborough, *Nhamp.*
Islingas.	Islington, *Norf.*, *Mddx.*
Issingas.	Issington, *Hants.*
Iccingas.	Itchingswell, *Hants*; Itchington, *Glouc.*, *Warw.*
Iteringas.	Itteringham, *Norf.*
Ifingas.	Ivinghoe, *Bucks*; Ivington, *Heref.*; Jevington, *Sussx.*
Læcingas.	Lackington, *Somers.*; Latchingdon, *Essex.*
Larlingas.	Larling, *Norf.*
Leortingas.	Lartington, *York.*
Leamingas.	Leamington, *Warw.*; Leeming, *York.*; Lemington, *Glouc.*, *Nthld.*
Leasingas.	Leasingham, *Linc.*; Lissington, *Linc.*
Leafeningas.	Leavening, *York.*
Leafingas.	Leavington, *York.*; Levington, *Suff.*
Læpingas.	Leppington, *York.*
Leðringas.	Letheringham, *Suff.*; Letheringsett, *Norf.*
Læferingas.	Leverington, *Camb.*
Lexingas.	Lexington, *Notts.*
Lidingas.	Liddington, *Rutl.*, *Wilts.*
Lidlingas.	Lidlington, *Bedf.*
Lidesingas.	Lidsing, *Kent.*
Lillingas.	Lillings, *York.*; Lillingstone, *Bucks*; Lillington, *Dors.*, *Oxf.*, *Warw.*
Limingas.	Limington, *Somers.*; Lyminge, *Kent*; Lymington, *Hants.*
Lingas.	Lings, *York.*; Lingbob, *York.*; Lingen, *Heref.*; Lingfield, *Surr.*; Lingham, *Chesh.*; Lingwell Gate, *York.*; Lingwood, *Norf.*; Lyng, *Norf.*
Lytlingas.	Littlington, *Camb.*, *Sussx.*
Locingas.	Locking, *Somers.*; Lockinge, *Berks*; Lockington, *Leic.*, *York.*
Lodingas.	Loddington, *Kent*, *Leic.*, *Nhamp.*
Loningas.	Loningborough, *Kent.*

Lopingas.	Loppington, *Salop.*
Lofingas.	Lovington, *Somers.*
Lucingas.	Luckington, *Somers.*, *Wilts.*
Ludingas.	Luddington, *Linc.*, *Warw.*, *Hunt.*, *Nhamp.*
Lullingas.	Lullingfield, *Salop.*; Lullingstane, *Kent*; Lullingstone, *Kent*; Lullington, *Derb.*, *Somers.*, *Sussx.*
Mædingas.	Maddington, *Wilts*; Madingley, *Camb.*
Mallingas.	Malling, *Kent*, *Sussx.*
Manningas.	Manningford, *Wilts*; Manningham, *York.*; Mannington, *Dors.*, *Norf.*; Manningtree, *Essex*; Monnington, *Heref.*
Myrcingas.	Marchington, *Staff.*; Markington, *York.*; Markingfield, *York.*
Mærlingas.	Marlingford, *Norf.*
Mæringas, or Myrgings?	Marrington, *Salop.*; Mering, *Notts*; Merrington, *Drhm.*, *Salop.*
Mæssingas.	Massingham, *Norf.*; Messing, *Essex*; Messingham, *Linc.*
Mæccingas.	Matching, *Essex.*
Mætingas.	Mattingley, *Hants*; Mettingham, *Suff.*
Mægdlingas.	Maudling, *Sussx.*
Mécingas.	Meeching, *Sussx.*
Mellingas.	Melling, *Lanc.*
Meðringas.	Metheringham, *Linc.*
Millingas.	Millington, *Chesh.*, *York.*
Mintingas.	Minting, *Linc.*
Mollingas.	Mollington, *Chesh.*, *Oxf.*, *Warw.*
Mottingas.	Mottingham, *Kent.*
Mycgingas.	Mucking, *Essex.*
Næcingas[1].	Nackington, *Kent*; Nedging, *Suff.*
Næssingas.	Nassington, *Nhamp.*; Nazeing, *Essex.*
Nydingas.	Needingworth, *Hunt.*

[1] These may properly have commenced with an H, thus Hnæcingas, Hnuttingas. Similarly Hnutscillingas, now Nutshalling or Nursling in Hants.

Níwingas.	Newington, *Kent, Notts, Oxf., York., Glouc., Surr., Mddx.*
Norðingas.	Northington, *Hants.*
Nottingas[1].	Notting, *Bedf.*; Nottington, *Dors.*; Nottingham, *Notts, Berks.*
Oddingas.	Oddingley, *Worc.*; Oddington, *Glouc., Oxf.*
Oldingas.	Oldington, *Salop.*
Orlingas.	Orlingbury, *Nhamp.*
Orpedingas.	Orpington, *Kent.*
Osmingas.	Osmington, *Dors.*
Ossingas.	Ossington, *Notts.*
Oteringas.	Otterington, *York.*; Ottringham, *York.*
Ofingas.	Oving, *Bucks, Sussx.*; Ovingdean, *Sussx.*; Ovingham, *York., Nthld.*; Ovington, *Essex, Hants, Norf., Nthld., York.*
Pæccingas.	Packington, *Derb., Leic.; Staff., Warw.*; Patching, *Sussx.*
Pædingas.	Paddington, *Mddx.* (? Padan tún.)
Pællingas.	Palling, *Norf.*; Pallingham, *Sussx.*; Pallington, *Dors.*
Pæmingas.	Pamington, *Glouc.*
Peartingas.	Partington, *Chesh.*
Pætringas.	Patrington, *York.*
Pætingas.	Pattingham, *Salop., Staff.*
Pæfingas.	Pavingham, *Bedf.*; Pevington, *Kent.*
Petlingas.	Peatling, *Leic.*
Pædlingas.	Pedling, *Kent.*
Penningas.	Pennington, *Hants, Lanc.*
Piceringas.	Pickering, *York.*
Pidingas.	Piddinghoe, *Sussx.*; Piddington, *Nhamp., Oxf.*
Pilcingas.	Pilkington, *Lanc.*
Pillingas.	Pilling, *Lanc.*

[1] See note in p. 469.

Pitingas.	Pittington, *Drhm.*
Poclingas.	Pocklington, *York.*
Podingas.	Poddington, *Bedf.*; Podington, *Dors.*
Puntingas.	Pointington, *Somers.*
Polingas.	Poling, *Sussx.*; Pollington, *York.*
Poringas.	Poringland, *Norf.*
Porcingas.	Porkington, *Salop.*
Portingas.	Portington, *York.*
Postlingas.	Postling, *Kent.*
Potingas.	Poting, *York.*
Pucingas.	Puckington, *Somers.*
Púningas.	Poynings, *Sussx.*
Pydingas.	Puddington, *Bedf.*, *Chesh.*, *Devon.*
Rædingas.	Raddington, *Somers.*; Reading, *Berks*; Reading-street, *Kent.*
Rætlingas.	Ratlinghope, *Salop.*
Ræfningas[1].	Raveningham, *Norf.*
Rædlingas[1].	Redlingfield, *Suff.*
Renningas.	Rennington, *Nthld.*
Ricingas.	Rickinghall, *Suff.*
Riclingas[1].	Rickling, *Essex.*
Ridingas.	Riddinge, *Derb.*; Riding, *Nthld.*
Ridlingas.	Ridlington, *Norf.*, *Rutl.*
Rillingas.	Rillington, *York.*
Rimmingas.	Rimmington, *York.*
Riplingas[1].	Riplingham, *York.*; Riplington, *Hants*, *Nthld.*
Ripingas[1].	Rippingale, *Linc.*
Risingas[1].	Rising, *Norf.*; Rissington, *Glouc.*
Rifingas.	Rivington, *Lanc.*
Rocingas[1].	Rockingham, *Nhamp.*

[1] All these words commencing with an R may have originally had an H, in which case we should have had these formations: Hræfningas, Hrédlingas, Hrycglingas, Hreóplingas, Hreópingas, Hrísingas, Hrócingas, Hróringas, Hreáwingas, Hrycingas, Hreódingas, Hryscingas.

Rodingas.	Roddington, *Salop.*; Roding, *Essex.*
Rollingas.	Rollington, *Dors.*
Roringas.	Rorrington, *Salop.*
Rossingas.	Rossington, *York.*
Rotingas.	Rottingdean, *Sussx.*; Rottington, *Cumb.*
Rowingas[1].	Rowington, *Warw.*
Rucingas[1].	Ruckinge, *Kent.*
Rudingas[1].	Ruddington, *Notts.*
Runingas.	Runnington, *Somers.*
Ruscingas[1].	Ruskington, *Linc.*
Rustingas.	Rustington, *Sussx.*
Sædingas.	Saddington, *Leic.*
Sælingas.	Saling, *Essex.*
Sealfingas.	Salvington, *Sussx.*
Sandringas.	Sandringham, *Norf.*
Seaxlingas.	Saxlingham, *Norf.*
Scealingas.	Scaling-dam, *York.*
Scearningas.	Scarning, *Norf.*
Scearingas, or Scringas.	Scarrington, *Notts*; Sharrington, *Norf.*; Sheering, *Essex*; Sheringford, *Norf.*; Sherringham, *Norf.*; Sherrington, *Bucks, Wilts.*
Scearðingas.	Scarthingwell, *York.*
Scrægingas.	Scrayingham, *York.*
Screadingas.	Scredington, *Linc.*
Seafingas.	Seavington, *Somers.*
Secgingas.	Seckington, *Warw.*
Seáðingas.	Seething, *Norf.*
Syllingas.	Selling, *Kent*; Sellinge, *Kent.*
Seámingas.	Semington, *Wilts.*
Sempringas.	Sempringham, *Linc.*
Setringas.	Settrington, *York.*
Syfingas.	Sevington, *Kent.*
Sceabingas.	Shabbington, *Bucks.*

[1] See note in the preceding page.

Sceadingas.	Shadingfield, *Suff.*
Sceáfingas.	Shavington, *Chesh.*; Shevington, *Lanc.*; Skeffington, *Leic.*
Sceaningas.	Shenington, *Glouc.*
Scyllingas.	Shilling-Okeford, *Dors.*; Shillingford, *Berks, Oxf., Devon.*; Shillingstone, *Dors.*; Shillingthorpe, *Linc.*; Shillington, *Bedf.*; Skellingthorpe, *Linc.*; Skillington, *Linc.*
Scylfingas.	Shilvington, *Dors., Nthld.*
Scymplingas.	Shimpling, *Norf., Suff.*
Scytlingas.	Shitlington, *Bedf., Nthld., York.*
Scolingas.	Sholing, *Hants.*
Scyrdingas.	Shurdington, *Glouc.*
Scytingas.	Shuttington, *Warw.*
Syclingas.	Sicklinghall, *York.*
Síðingas.	Siddington, *Glouc.*
Silfingas.	Silvington, *Salop.*
Sinningas.	Sinnington, *York.*
Sittingas.	Sittingbourne, *Kent.*
Sceaclingas.	Skeckling, *York.*
Sceaflingas.	Skeffling, *York.*
Scyldingas.	Skelding, *York.*
Scyrlingas.	Skirlington, *York.*
Sleaningas.	Sleningford, *York.*
Snoringas.	Snoring, *Norf.*
Somtingas.	Sompting, *Sussx.*
Sunningas.	Sonning, *Berks, Oxf.*; Sunninghill, *Berks*; Sunningwell, *Berks.*
Súðingas.	Southington, *Hants.*
Spaldingas.	Spalding, *Linc.*; Spaldington, *York.*
Specingas.	Speckington, *Somers.*
Spyringas.	Spirringate, *Glouc.*
Sprættingas.	Spratting-street, *Kent.*
Sprydlingas.	Spridlington, *Linc.*
Steallingas.	Stalling-busk, *York.*; Stallingborough, *Linc.*; Stallington, *Staff.*

Stæningas.	Stanningfield, *Suff.*; Stanninghall, *Norf.*; Stanningley, *York.*; Stannington, *Nthld.*, *York.*; Steyning, *Sussx.*
Steorlingas.	Starling, *Lanc.*
Stebbingas.	Stebbing, *Essex*; Stibbington, *Hunt.*
Steápingas.	Steeping, *Linc.*; Steppingley, *Bedf.*
Stellingas.	Stelling, *Kent*; Stelling, *Nthld.*; Stillingfleet, *York.*; Stillington, *Drhm.*, *York.*
Stefingas.	Stevington, *Bedf.*
Stocingas.	Stocking, *Herts*; Stockingford, *Warw.*; Stokingham, *Devon.*
Stormingas.	Stormingley, *York.*
Storringas.	Storrington, *Sussx.*
Stútingas.	Stouting, *Kent.*
Strellingas.	Strellington, *Sussx.*
Stubingas.	Stubbington, *Hants.*
Sulingas.	Sullington, *Sussx.*
Surlingas.	Surlingham, *Norf.*
Swaningas.	Swannington, *Leic.*, *Norf.*
Sweorlingas.	Swarling, *Kent* (? Sweordhlincas.).
Sweðelingas.	Swathling, *Hants.*
Swefelingas.	Sweffling, *Suff.*
Swillingas.	Swillington, *York.*
Sydlingas.	Sydling, *Dors.*
Tædingas.	Taddington, *Glouc.*, *Derby.*; Teddington, *Mddx.*, *Worc.*; Tiddington, *Oxf.*, *Warw.*
Tælingas.	Tallington, *Linc.*
Tæningas.	Tannington, *Suff.*
Teorringas.	Tarring, *Sussx.*; Tarrington, *Heref.*; Terrington, *Norf.*, *York.*; Torrington, *Devon.*, *Linc.*
Tætingas.	Tattingstone, *Suff.*
Tendringas.	Tendring, *Essex.*
Teorlingas.	Terling, *Essex.*
Ðegningas.	Thanington, *Kent.*
Ðeódingas.	Thedingworth, *Leic.*, *Nhamp.*

Đocingas.	Thockington, *Nthld.*
Đoringas, or Đyringas.	Thorington, *Suff.*; Thorrington, *Essex.*
Đorningas.	Thornington, *Nthld.*
Đrecgingas.	Threckingham, *Linc.*
Đredlingas.	Thredling, *Suff.*
Đristlingas.	Thrislington, *Drhm.*
Đryscingas.	Thrussington, *Leic.*
Đurningas.	Thurning, *Hunt.*, *Norf.*, *Nhamp.*
Đwingas.	Thwing, *York.*
Tibbingas.	Tibbington, *Staff.*
Tidmingas.	Tidmington, *Worc.*
Tilingas.	Tillingham, *Essex*; Tillington, *Heref.*, *Staff.*, *Sussx.*
Tissingas.	Tissington, *Derby.*
Titlingas.	Titlington, *Nthld.*
Teofingas.	Tivington, *Somers.*
Tocingas.	Tockington, *Glouc.*
Todingas.	Toddington, *Bedf.*, *Glouc.*
Toltingas.	Toltingtrough, *Kent.*
Tótingas.	Tooting, *Surr.*; Tottington, *Lanc.*, *Norf.*
Torcingas.	Torkington, *Chesh.*
Tortingas.	Tortington, *Sussx.*
Trimingas.	Trimingham, *Norf.*
Tringas.	Tring, *Herts.*
Tritlingas.	Tritlington, *Nthld.*
Trumpingas.	Trumpington, *Camb.*
Tucingas.	Tucking Mills, *Somers.*; Tuckington, *Hants.*
Tuscingas.	Tushingham, *Chesh.*
Tuttingas.	Tuttington, *Norf.*
Twiningas.	Twining, *Glouc.*
Twicgingas.	Twitching, *Devon.*
Tyrringas.	Tyrringham, *Bucks.*
Tyðeringas.	Tytherington, *Chesh.*, *Glouc.*, *Wilts.*
Ucingas.	Uckington, *Glouc.*, *Salop.*
Uffingas.	Uffington, *Berks*, *Linc.*, *Salop.*

Ulingas.	Ullingswick, *Heref.*
Ultingas.	Ulting, *Essex.*
Upingas.	Uppingham, *Rutl.*; Uppington, *Salop.*
Wadingas.	Waddingham, *Linc.*; Waddington, *Linc., York.*; Waddingworth, *Linc.*; Weddington, *Warw.*
Wæceringas.	Wakering, *Essex.*
Wealdingas.	Waldingfield, *Suff.*; Woldingham, *Surr.*
Wealdringas.	Waldringfield, *Suff.*
Wealcringas.	Walkeringham, *Notts.*
Wealcingas.	Walkingham, *York.*; Walkington, *York.*
Wealingas.	Wallingfen, *York.*; Wallingford, *Berks*; Wallington, *Hants, Herts, Norf., Surr., Nthld.*; Wallingwells, *Notts?*; Wellingboro', *Nhamp.*; Wellingham, *Norf.*; Wellingley, *York.*; Wellingore, *Linc.*
Wælsingas.	Walsingham, *Norf.*; Wolsingham, *Drhm.*; Woolsington, *Nthld.*
Wæplingas[1].	Waplington, *York.*
Wæppingas[1].	Wapping, *Mddx.*
Wearblingas[1].	Warblington, *Hants.*
Weardingas.	Wardington, *Oxf.*
Wearlingas.	Warlingham, *Sussx.*
Wearmingas.	Warmingham, *Chesh.*; Warminghurst, *Sussx.*; Warmington, *Nhamp., Warw.*
Wearningas.	Warningcamp, *Sussx.*
Wæringas.	Warrington, *Bucks, Lanc.*; Werrington, *Devon., Nhamp.*
Weartingas.	Warthing, *Sussx.*
Wæsingas.	Washingborough, *Linc.*; Washingley, *Hunt.*; Washington, *Derby., Durh., Sussx.*; Wasing, *Berks*; Wessington, *Derby.*
Wætringas.	Wateringbury, *Kent.*

[1] As the whole of these names might commence with an H, we should have the following forms: Hwæplingas, Hwæppingas, Hwearflingas, Hwætlingas, Hwelpingas, Hwerringas, Hwcopingas, Hwitlingas, Hwiteringas, Hwitingas.

Wætlingas.	Watlington, *Norf.*, *Oxf.*
Weotingas.	Weeting, *Norf.*
Weolingas.	Wellington, *Heref.*, *Salop.*, *Somers.*, *Wilts.*
Wendlingas.	Wendling, *Norf.*
Weningas.	Wennington, *Essex*, *Hunt.*, *Lanc.*
Weðeringas.	Wittering, *Sussx.*; Wetheringsett, *Suff.*; Witherington, *Wilts.*
Westingas.	Westington, *Glouc.*
Westoningas.	Westoning, *Bedf.*
Wætlingas[1].	Whatlington, *Sussx.*
Welpingas[1].	Whelpington, *Nthld.*
Werringas[1].	Wherrington, *Staff.*
Wippingas[1].	Whippingham, *Hants.*
Witlingas[1].	Whitlingham, *Norf.*
Witeringas[1].	Whittering, *Nhamp.*
Wittingas[1].	Whittingham, *Lanc.*, *Nthld.*; Whittington, *Derb.*, *Glouc.*, *Lanc.*, *Norf.*, *Salop.*, *Staff.*, *Warw.*, *Worc.*, *Nthld.*
Widingas.	Widdington, *Essex*, *Nthld.*, *York.*
Willingas.	Willingale, *Essex*; Willingdon, *Sussx.*; Willingham, *Camb.*, *Linc.*, *Suff.*; Willington, *Bedf.*, *Chesh.*, *Derb.*, *Drhm.*, *Nthld.*, *Warw.*
Wylmingas.	Wilmington, *Kent*, *Salop.*, *Somers.*, *Sussx.*
Winingas.	Winnington, *Chesh.*, *Staff.*
Wintringas.	Winteringham, *Linc.*, *York.*
Wiscingas.	Wissington, *Salop.*, *Suff.*
Wiccingas.	Witchingham, *Norf.*
Wiclingas.	Witchling, *Kent*; Wychling, *Kent.*
Wiðingas.	Withington, *Glouc.*, *Heref.*, *Lanc.*, *Salop.*, *Staff.*, *Chesh.*
Wocingas.	Woking, *Surr.*; Wokingham, *Berks*, *Wilts.*
Weorcingas.	Workington, *Cumb.*
Wyrlingas.	Worlingham, *Suff.*; Worlington, *Suff.*, *Devon.*; Worlingworth, *Suff.*
Wyrmingas.	Wormingford, *Essex*; Worminghall, *Bucks*; Wormington, *Glouc.*

[1] See note in the preceding page.

Weorðingas.	Worthing, *Norf.*, *Sussx.*; Worthington, *Lanc.*, *Leic.*
Wramplingas.	Wramplingham, *Norf.*
Wrættingas.	Wratting, *Camb.*, *Suff.*
Wræningas.	Wreningham, *Norf.*
Wrestlingas.	Wrestlingworth, *Bedf.*
Wrihtingas.	Wrightington, *Lanc.*
Wrihtlingas.	Writhlington, *Somers.*
Weomeringas.	Wymering, *Hants.*
Wymingas.	Wymington, *Bedf.*

The total number of the names thus assumed from local denominations amounts to 627, but as several occur once only, while others are found repeated in various counties, I find the whole number reaches to 1329, which are distributed through the counties in a very striking manner, as the following table will show.

Bedford.	22	Middlesex	12
Berks.	22	Monmouth.	0
Bucks.	17	Norfolk	97
Cambridge.	21	Northampton.	35
Cheshire	25	Northumberland	48
Cornwall	2	Nottingham.	22
Cumberland	6	Oxford.	31
Derby.	14	Rutland.	4
Devon.	24	Salop.	34
Dorset.	21	Somerset.	45
Durham	19	Southampton	33
Essex	48	Stafford.	19
Gloucester.	46	Suffolk	56
Hereford.	15	Surrey	18
Hertford.	10	Sussex	68
Huntingdon.	16	Warwick.	31
Kent	60	Westmoreland	2
Lancashire	26	Wilts.	25
Leicester.	19	Worcester.	13
Lincolnsh.	76	York (3 Ridings)	127

There are two slight causes of inaccuracy to be borne in mind in using the foregoing tables: the first arises from the insertion of names which properly do not, the other from the omission of names which properly do, belong to this class. But I think these two errors may nearly balance one another, and that they do not interfere with the general correctness of the results.

It is remarkable how many of these names still stand *alone*, without any addition of -wíc, -hám, -worðig, or similar words. The total number of patronymical names thus found (in the nominative plural) is 190, or very nearly one-seventh of the whole: they are thus distributed: in Kent, 25; Norfolk and Sussex each 24; Essex 21; Suffolk 15; Yorkshire 13; Lincoln 7; Southampton 6; Berks and Surrey, 5 each; Bedfordshire, Lancashire, Middlesex and Northampton, 4 each; Hertford, Huntingdon, Northumberland and Nottingham, 3 each; Cambridge, Derby, Dorset, Gloucester and Oxford, 2 each; Bucks, Devon, Leicester, Salop, Somerset, Warwick and Wilts, 1 each; and none at all in the remaining ten counties. When now we consider that of 190 such places, 140 are found in the counties on the eastern and southern coasts; and that 22 more are in counties easily accessible through our great navigable streams, we shall be led to admit the possibility of these having been the original seats of the Marks bearing these names; and the further possibility of the settlements distinguished by the addition of -hám, -wíc and so forth to these original names, having been filial settlements, or as it were colonies, from them. It also seems worthy of remark that they are hardly found to the north of the Humber, or about 53° 40′ N. Lat., which renders it probable that the prevailing mode of emigration was to take advantage of a N.E. wind to secure a landing in the Wash, and thence coast southward and westward as far as circumstances required. Sailors, who in the ninth century could find their way from Norway to Iceland in sufficient numbers to colonize that island, who in the tenth could extend their course from Iceland to Greenland, and who had noble spirit enough to affront the perils of the Polar ocean rather than submit to oppression at home, were not likely to find any insurmountable

difficulty in a voyage from the Elbe or Skager Rack to England: and the conquest of the Orkneys and Hebrides, of the south of Ireland and Man, nay of large tracts of England by the Scandinavians in the ninth, tenth and following centuries, may supply the means of judging how similar adventures were conducted by populations of the same race, and as noble spirit, nine hundred or a thousand years before.

The following additions may be made to the evidences given in this chapter.

A *marked* linden or lime-tree is noticed in Cod. Dipl. No. 1317. Again in Kent we hear of earnes beám, the eagle's tree, *ibid.* No. 287: it is more probable that this was a tree marked with the figure of an eagle, than that a real bird of that species should have been meant. Further in the boundary of the charter No. 393 we have, on ðán merkeden ók, to the *marked oak.*

The sacred woods are again mentioned by Tacitus, Annal. i. 59, where he tells us that Arminius hung up the captured Roman ensigns to the gods of the country, in the woods, *lucis*: we hang them up in cathedrals. See also Tac. Germ. vii. Annal. iv. 22.

The character of the Mark or March is very evident in the following passage: "Siquidem in Lindesceia superiori extat prioratus qui Marchby dicitur, longas ac latas pasturas pro gregibus alendis inhabitans, non omnino privato iure, sed communem cum compatriotis libertatem ex dono patronorum participans," etc. Chron. Lanerc. an. 1289. See also the quotations from the Indiculus Pagan. and Synod. Leptin. an. 742, in Möser, Osnab. i. 52, and the whole of his twenty-ninth chapter, for the religious rites with which boundaries were dedicated, especially vol. i. p. 58, note *c.*

It is more than one could now undertake to do, without such local cooperation as is not to be expected in England as yet, but I am certain that the ancient Marks might still be traced. In looking over a good county map we are surprised by seeing the systematic succession of places ending in -den, -holt, -wood, -hurst, -fald, and other words which invariably denote forests and outlying pastures in the woods. *These are all in the Mark,* and within

them we may trace with equal certainty, the -hámes, -túns, -worðigs and -stedes which imply settled habitations. There are few counties which are not thus distributed into districts, whose limits may be assigned by the observation of these peculiar characteristics. I will lay this down as a rule, that the ancient Mark is to be recognised by following the names of places ending in -den (neut.), which always denoted *cubile ferarum*, or pasture, usually for swine. Denu, a valley (fem.), a British and not Saxon word, is very rarely, perhaps never, found in composition. The actual surface of the island, wherever the opportunity has been given of testing this hypothesis, confirms its history. But there are other remarkable facts bearing upon this subject, which are only to be got at by those who are fortunate enough to have free access to manorial records, before the act of Charles II. destroyed all feudal services in England. A striking example of the mark-jurisdiction is the "Court of Dens," in Kent. This appears to have been a mark-court, in the sense in which mark-court is used throughout this second chapter, and which gradually became a lord's court, only when the head markman succeeded in raising himself at the expense of his fellows: a court of the little marks, marches, or pastures in Kent, long after the meaning of such marks or marches had been forgotten: a court which in earlier times met to regulate the rights of the markmen in the *dens* or pastures. I am indebted (among many civilities which I gratefully acknowledge) to the Rev. L. Larking of Ryarsh for the following extracts from Sir Roger Twisden's journal, which throw some light upon what the court had become in the middle of the seventeenth century, but still show its existence, and lead us to a knowledge of its ancient form.

The reader who feels how thoroughly English liberty has become grounded in the struggles between the duties and privileges of various classes, how entirely the national right has been made up and settled by the conflict of private rights, how impossible it was for the union of empire and freedom to exist,—or for *imperium* and freedom to co-exist, without the battle in which the several autocracies measured their forces and discovered the just

terms of compromise,—will value this record of the reluctance with which a staunch country squire submitted to the duties of his position. It is not only amusing, but instructive, to watch these men of the seventeenth century, fighting on the minutest grounds of squabble: very amusing, to those who take the world as it is, to have been always as it is, and likely always so to remain: very instructive to those who know the miserable condition from which such "squabbles" have raised us. There are people, who having no sense of right, but a profound sense of the wrong done *them*, raise barricades, and overturn dynasties in moments of irrepressible and pardonable excitement: there are people on the other hand who steadily and coolly measure right and wrong, who take to the law-book rather than the sword, who argue the question of ship-money, on which a system of government depends, as calmly as if it were a question of poor-rates in a parish attorney's hands, and having brought their right, the ancient right of the land, into light, fall back into the orderly frame of society in which they lived before, as if no years of desperate struggle had intervened,—the law being vindicated, and the work of the workmen done. This work without distinction of Parliamentarian or King's Man was done by the Seldens and the Twisdens, and men of more general note and name, but not more claim to our gratitude and respect. But to do this, required that study which unhappily our English gentlemen no longer think absolutely necessary to their education, the study of the law, of which they are the guardians, though a professional class may be its ministers: and most amusing now it is to see how zealously these old champions of the law did battle in its defence, even in the most minute and now unimportant details. It was then a happy thing for England that there were courts of Dens, and squires who did not like them: it is now an admirable thing for England that there are courts of all sorts and descriptions, and people who do not like them, who are constantly trying their right against them, constantly winning and losing at the great game of law, or perhaps the greater game, of the forms under which law is administered,—litigious people,—people liking to argue the right and

the wrong in a strict form of logic, the legal form; who are always arguing, and therefore never fighting. If there had not been courts of Dens to argue about,—and unhappily, at last, to fight about,—there would most certainly not now be a "High Court of Parliament," for there would never have been those who knew how to establish it. The country-gentlemen of the seventeenth century appeal to the experience of the nineteenth, in every land but this of England, whose steady, legal order the country-gentlemen of the seventeenth century founded; and the grateful middle class of the nineteenth century in no country but this respond to that appeal in this year 1848, by declaring that no force, whether of king or not of king, shall be known in England, except that of the law,—the great and ancient law,—that all associations of men are united in a guarantee of mutual peace and security.

It is now time to return to Sir R. Twisden and the Court of Dens. It appears that this was held at Aldington, and that it claimed jurisdiction over a considerable space. If we follow the main road from Hythe to Maidstone, a little to the north of Aldington[1], and running to the east of Boughton, we find a tract of country extending to the borders of Sussex and filled with places ending in -den, or -hurst: this country of the Dens runs exactly where we should expect to find it, viz. along the edge of the Weald, within whose shades the *swains* found mast and pasture. I will enumerate a few of the places so named: they can readily be found on a good map of Kent, and form a belt of mark or forest round the cultivated country, quite independent of the woods which once lay between village and village.

Ashenden.	Castleden.
Bainden.	Chiddenden.
Benenden.	Cottenden, *Sussex*.
Bethersden.	Cowden.
Biddenden.	Frittenden.

[1] Aldington is about 57′ east of Greenwich.

Godden.
Hazleden.
Hernden.
Hiffenden.
Hollenden.
Horsmonden.
Iden, *Sussex.*
Marden, *Sussex.*
Newenden.
Rolvenden.
Romden.
Smarden.
Surrenden.
Tenterden.
Wisenden.

Ashurst.
Billinghurst, *Sussex.*
Collinghurst, *Sussex.*
Crowhurst, *Sussex.*
Dodhurst.
Duckhurst.
Ewhurst, *Sussex.*
Fenchurst.
Goudhurst.
Greenhurst, *Sussex.*
Hawkhurst.
Henhurst.
Hophurst, *Sussex.*
Lamberhurst.
Midhurst, *Sussex.*
Nuthurst, *Sussex.*
Penhurst, *Sussex.*
Penshurst.
Sandhurst.
Shadoxhurst.
Shiphurst.
Sinkhurst.
Sissinghurst.
Speldhurst.
Staplehurst.
Ticehurst, *Sussex.*
Wadhurst, *Sussex.*
Warminghurst, *Sussex.*

Alfold, *Sussex.*
Arnisfold, *Sussex.*
Cowfold, *Sussex.*
Chiddingfold, *Surrey.*
Shinfold, *Sussex.*

It is not likely that all these various places, the list of which might be greatly increased, were ever reduced under one judicial unity; but, even with the aid of Sussex, I have been able to mention only twenty-five *dens*, and we know that at least thirty-two, if not forty-four, were subject to the court of Aldington.

The entries in Twisden's Journal are to the following effect:—

"18th September 1655. I was at Aldyngton Court, at the chusing the officers to gather the Lord's Rent, where grew a question, whither, if the Lord released our Rent, Sute, and Service, to the Court, we were subject to the slavery of attendance,

and whither the Tenants could prescribe men, &c., &c., &c., or impose an office upon them,—and it was the whole resolution of the Court, the Lord might sell his quit-rents and all manner of attendance on the Court, and then he could not be tyed to any office, nor the Tenants impose any office upon him.....

"The 16th September 1656, I went to Aldyngton Court, but came too late, there beeing layd on me the office for collecting the 32 Denns, for my land in them. I desired to know what land it was.... in the 32 Dens upon which the office was laid, but this I could not learn.... the issue was, that if they can name the land or descry it, I am to do it,—if not, I refused to gather it."

"1658. I was at Aldynton Court again, and then there was much stir about this land which could not bee found. I still insisted the Denne of Plevynden held of Wye, that the 16*s.* 2*d. ob.* I payd was for light money in time past. The Conclusion was, They will distrain me if they can find the land, and then come to a trial in their Court which is held at Smethe."

"1659. I was at Aldington Court, where I came before the Steward sate, yet were they then chusing for the 32 Denns, and Mr. Short brought me a note for chusing Mr. John Maynard, Serg^{t} at Law.... he was not chosen after the ancient custom of the Court, that is, to present two to the Steward, and he to take one.... The tenants of the 12 Denns pretended if it were sometime a Custom it had been long interrupted, and refused to follow the example of the 32.... after dinner, this grew a great dispute, Mr. Short complaining of partiality, that the choice of one man was received for the 12 and not for the 32 Dennes. This drew on the manner of chusing of the 32 Dennes, which was, that they usually met at 9 o' clock long before the Steward himself could reach the Court, made choice of one man before there was a Court.... This brought forth an excellent order, that the Denns should chuse and present the person by them chosen after the manner the other Culets did..... Coming away, the Bailiff told me he had a writ to distreyn me for the rent of the 32 Denns. I told him I had no land held of it that I knew..... Sir Edward Sydnam, Lord of the Manor, and who is to answer the rents to

the Exchequer, told me I would be distreyned for it,—my answer was, I was not willing to make my land chargeable with a burthen more than my ancestors had paid—that there was a Court of Survey to be kept in the Spring,—that if I could not then discharge myself of having land, held of the 32 Denns, I would and must pay it."

"Aldington Court. 1664. Sr John Maynard Serg^t at Law was chosen to the Great Office though it were affirmed, he being Kings Serg^t would procure a discharge. The order before mentioned of 6*s*. 8*d*. for such Culets as received from the Steward a transcript of what they were to collect, and 10*s*. for the Great Office was at this Court willingly assented to."

This determined refusal of a Markgraviat in the Mark of Kent is amusing enough: the Alberts, Berchtholds and Luitpolts did not make quite so much difficulty about Brandenburg, Baden or Ancona. How the dispute ended I do not know, but the right was not in question: all that Sir Roger doubted was its applicability to himself. Still the nature of the jurisdiction seems clear enough, and the transition of an old Mark Court into a Lord's Court, with a steward, is obvious from the custom of the Tenants chusing "before the Steward himself could reach the Court;" the abolition of which, Sir Roger naturally considered an excellent thing.

APPENDIX B.

THE HI'D.

FROM the tables in the above chapter, it appears that we cannot allow one hundred actual acres to the Híd, and still less one hundred and twenty. A similar result will be obtained if we examine the entries in Domesday. Thus

Name.	Hides.	Acreage.	At 30 acres.	At 40 acres.	At 100 acres.	At 120 acres.	Excess at 30.	Excess at 40.
Keynsham, *Somers.*	50	3330	1500	2000	5000	6000	1830	1330
Dowlish, *Somers.*	9	680	270	360	900	1080	410	320
Easton in Gordano, *Somers.*[1]	20	1440	600	800	2000	2400	840	640
Babington, *Somers.*[2]	5	600	150	200	500	600	450	400
Lullington, *Somers.*[3]	7	840	210	280	700	840	630	560
Road, *Somers.*[4]	9	1010	270	360	900	1080	740	650
Pilton, *Devon.*[5]	20	1210	600	800	2000	2400	610	410
Taunton, *Somers.*[6]	65	2730	1950	2600	6500	7800	780	130
Portshead with Westbury, *Somers.*[7]	11	1610	330	440	1100	1320	1280	1170

I have intentionally selected one or two examples where the whole acreage exactly makes up the sum of hides multiplied by

[1] Here are to be added 125 acres of meadow and wood, and one leuga of pasture. (Domesd. iii. p. 133.)

[2] Add 27 acres of mead and pasture, and a wood, 6 quadragenæ long by 2 quadr. wide. (Ibid. p. 137.)

[3] Add 20 acres of mead and pasture, and a wood, 6 quadragenæ long by 2 wide. (Ibid. p. 137.)

[4] Add 91 acres of mead, pasture and forest. (Ibid. p. 138.)

[5] Add 86 acres of mead, etc., and a forest a leuga and a half square. But there was also land not geldable which sufficed for 20 ploughs; and the 20 geldable hides were calculated at 30 ploughs. Taking the same proportion, we ought to reckon not 30 but $33\frac{1}{3}$ hides in Pilton, which at 30 acres would give 1000 arable; at 40 would give $1333\frac{1}{3}$, while the whole acreage is but 1210. This would exclude the calculation of 40 acres; but we cannot trust the merely approximate supposition that the land for 20 ploughs was to be reckoned in the same proportion as that for 30.

[6] Taunton properly is $52\frac{1}{2}$ geldable hides, and land for 20 ploughs not geldable. The 65 hides are made up subject to the same error as the last calculation. The appendant manor of Lidgeard, with the meadow pastures, etc., amounting to 519 acres, is also to be added, as well as forest a leuga long, by a leuga wide, and pasture two leugæ long by one wide.

[7] To these add 149 acres of mead, etc. Forest 12 quad. long by 3 wide: again forest 12 quad. long by 2 wide, and 6 quadragenæ of marsh.

120, because it is probable that such instances may have led to that calculation: but it is necessary to bear in mind that the Híd is exclusively *arable* land, and that in the case where the number of hides equalled the whole acreage, there could have been neither forest, nor meadow nor pasture. The notes on some of the entries will show how erroneous any such calculation would necessarily be. And lest this assertion that the híd is exclusive of unbroken land should appear unsupported, I wish the following data to be considered. But first we must see how the híd is distributed into its component parts. In Domesday the híd consists of four yardlands, virga or virgata: and the virga of four farthings or farlings, ferlingus, ferlinus, ferdinus, fertinus: thus

1 fertin.
4 fertin. = 1 virg.
16 fertin. = 4 virg. = 1 hide,

whatever may have been the number of acres in the ferling. Again in Domesday, the amount of an estate held by any one is given, together with the amount of wood, meadow and pasture in his hands. If these be *included* in the amount of the híd, or its parts, which the tenant held, we shall arrive at the following results; which (even for a moment taking the híd at 120 acres) are a series of *reductiones ad absurdum*. In the Exeter Domesday, fol. 205^{b} (vol. iii. 187) I find an estate valued at 11 acres: the pasture etc. mentioned as belonging to it is counted at 20 acres: these, it is clear, could not be comprised in the eleven. But let us take a few examples tabularly.

Exon. Domesd.	Holding.	Pasture, etc.	At least.
f. 210. vol. iii. 191.	½ hide.	93 acres.	∴ hide = 186 acres.
f. 211. —— 191.	1 virg.	55 —	∴ hide = 220 —
f. 211, b. —— 191.	½ ferl. (⅛ h.)	6 —	∴ hide = 288 —
f. 211, b. —— 191.	1 virg.	40 —	∴ hide = 160 —
f. 212. —— 191.	½ ferl.	4 —	∴ hide = 192 —
f. 212. —— 192.	3 ferl.	40 —	∴ hide = 213½ —
f. 213. —— 192.	1 hide.	164 —	∴ hide = 164 —
f. 214. —— 193.	1 virg.	40 —	∴ hide = 160 —
f. 216. —— 196.	1 virg.	37 —	∴ hide = 148 —
f. 217. —— 197.	1 virg.	84 —	∴ hide = 336 —
f. 218. —— 198.	1 hide.	310 —	∴ hide = 310 —
f. 224. —— 203.	1 hide.	500 —	∴ hide = 500 —
f. 224, b. —— 203.	1 ferl.	106 —	∴ hide = 1696 —
f. 225. —— 204.	1 ferl.	103 —	∴ hide = 1648 —

Now it is particularly necessary to bear in mind that these ridiculous amounts are the minimum; that in every case the arable land remains to be added *to* them, and in some cases whole square miles of forest and moorland. I conclude then that the wood, meadow and pasture were not included in the híd or arable, but were appurtenant to it. Sometimes indeed they bear a very small proportion to the arable, and to the number of cattle owned—a fact perhaps to be explained by the existence of extensive commons.

Let us now endeavour to settle the amount, as well as the proportions of the híd and its several parts. As I have said the híd consisted of four virgates, the virgate of four ferlings[1]. I do not give examples, because they may be found in every other entry in Domesday; but I may add that the gyld or tax payable to the king from the land, is based upon precisely the same calculation: the híd paid 6 shillings (worth now about 18*s.* 6*d.*), the virgate 1*s.* 6*d.*, and the ferling $\frac{1}{4}^{s}$ or 4½*d.* Thus (Exon. D. f. 80, 80, b. vol. iii. p. 72.) in the hundred of Meleborne, the king had £18 18*s.* 4½*d.* as geld from 63 hides and 1 ferling of land:

now 63×6*s.* =378*s.*
1 ferl.×4½*d.* = 0*s.* 4½*d.*.....378*s.* 4½*d.* or 18*l.* 18*s.* 4½*d.*

Again (fol. 80, b. iii. p. 73.) the king had £9 10*s.* 8½*d.* for 31 h. 3 v. ½ ferl.

i. e. 31×6*s.* =186*s.*
3×1*s.* 6*d.* = 4*s.* 6*d.*
½× 4½*d.* = 0*s.* 2¼*d.*.....190*s.* 8¼*d.* or 9*l.* 10*s.* 8¼*d.*

in which passage, ferlingus is used for the coin as well as the measure of land. Again in fol. 81, b. (vol. iii. p. 74) the geld for 60 h. 3 v. 1½ ferl. was £18 5*s.* 0¾*d.* ("unum obolum et unum ferling").

i. e. 60 ×6*s.* =360*s.*
3 ×1*s.* 6*d.* = 4*s.* 6*d.*
1½×0*s.* 4½*d.* = 0*s.* 6¾*d.*.....365*s.* 0¾*d.* or 18*l.* 5*s.* 0¾*d.*

Or to test it another way; the híd=16 ferlings, ∴ 60 h. 3 v. 1½ ferl.

[1] From *feower*, four. *Feorling* or *Feorðing* are similar formations, and denote a fourth, or farthing in money or land: also in corn (a quarter of corn), and in the wards of a city. Ellis, Introd. p. l. note.

$=973\frac{1}{2}$ ferl. But the ferl. paid $4\frac{1}{2}d.$ $\therefore$ $973\frac{1}{2}$ ferl. paid $4380\frac{3}{4}d.$ which gives us the same value $18l.\ 5s.\ 0\frac{3}{4}d.$

Now if we can obtain the value of any one of these denominations, we can calculate all the rest with security. The value of the virga or yardland we can obtain: it consisted of *ten* Norman agri, acræ or acres, perhaps eight or eight and a third Saxon.

In the Exeter Domesday, fol. 48. (vol. iii. p. 42) we find ten hydes of land to be made up of the following parcels, 4 hides $+1$ virg. $+10$ agri $+5\frac{1}{2}$ hides $+4$ agri;

then 10 h. $=9\frac{1}{2}$ h. $+1$ v. $+10$ a.
or $10-9\frac{1}{2}$ h. $=1$ v. $+10$ a.
or $\frac{1}{2}$ h. $=1$ v. $+10$ a.

But $\frac{1}{2}$ h. $=2$ v.
$\therefore$ 2 v. $=1$ v. $+10$ a.
$2-1$ v. $=10$ a. $\therefore$ 1 virga $=10$ agri.

But 1 hyd $=4$ virg. $=16$ ferling.
$\therefore$ 1 hyd $=40$ acres $=33\frac{1}{3}$ Saxon.
1 ferl. $=2\frac{1}{2}$ acres $=2\frac{1}{12}$ Saxon.

It will now be seen why I have given a column in which the whole acreage was measured by a calculation of forty acres to the hîd. That this result is a near approximation to the truth appears from the following considerations. In the Cornish Domesday, (a county where arable land bore a very small proportion to the markland, forest and pasture,) there are a great number of estates, valued at one ager or acre. These are generally said to pay geld for half a ferling. Thus in Treuurninet, one ager paid geld for half a ferling[1]: so in Penquaro[2], in Trelemar[3], in Landmatin[4], in Chilongoret[5], in Roslet[6], in Pengelli[7], in Telbricg[8], in Karsalan[9], in Dimelhesc[10]; and similarly in Widewot, two agri paid geld for one ferling[11]. Now throughout Domesday there are innumerable examples of land being rated at less than its real value, or even

[1] Exon. D. f. 227. vol. iii. 206.
[2] Ibid. f. 233. vol. iii. 212.
[3] Ibid. f. 234. vol. iii. 213.
[4] Ibid. f. 235. vol. iii. 214.
[5] Ibid. f. 236. vol. iii. 216.
[6] Ibid. f. 239, b. vol. iii.
[7] Ibid. f. 245. vol. iii.
[8] Ibid. f. 245, b. vol. iii. 225.
[9] Ibid. f. 253, b. vol. iii. 233.
[10] Ibid. f. 254, b. vol. iii. 234.
[11] Ibid. f. 254, b. vol. iii. 234.

at its real value; but I have not detected any instance in which is rated at more: and in Cornwall especially the rating seems to have been in favour of the tenant. I do not therefore believe that one ager was *less* than half a ferling: it was either more than half a ferling or equal to it. But ½ ferl. = 1¼ Norman acre, which is more than one statute acre: therefore we may conclude that the ager or acre was equal to half a ferling. The way I understand this, is by the assumption that the Saxon acre was somewhat larger than the Norman: we know that they differed in point of extent[1], and it is possible that the original Saxon calculation was founded upon multiples of eight, while the Norman was reduced to a decimal notation: if this were so, we may believe that the híd was the unit, and that its principal subdivisions remained, being familiar to the people, but that the value of the acre was slightly changed. Hence that the

Saxon híd	= 32 Saxon acres	= 40 Norman acres.	
—— virg.	= 8 ——	—— = 10 ——	——
—— feorðing	= 2 ——	—— = 2½ ——	——

The document entituled "Rectitudines singularum personarum" says[2], that the poor settler on first coming in, ought to have seven acres laid down for him in seed, out of his yardland; and the same authority implies that his grass-land was usually short of his need: this it might be, if he had only one acre to support the two oxen and one cow with which his land was stocked on entry. The lot of meadow and pasture attached to these small plots of one ager, is so frequently quoted at thirty agri, in Cornwall, that one could almost imagine an enclosure-bill to have been passed just previous to the Conquest, under which the possession of even so small a quantity as one acre qualified the owner to receive a handsome share of the waste.

It is obvious that all these calculations are ultimately founded upon the value of the acre relatively to our own statute measure, in which the survey of 1841 is expressed. That ager and acra

[1] Ellis, Introd. p. l. The fractions, and the admixture of a decimal with the quarterly division, seem to imply that the later or Norman measure was the smaller of the two.

[2] Thorpe, i. 434.

are equivalent terms appears from their being used interchangeably in various entries of Domesday. Nor is there any good reason to suppose that the Normans made any violent change in the values of these several denominations, although they might adopt more convenient subdivisions of the larger sums. They did just the same thing in respect to the Saxon money. Besides, as it was from the Saxons that they derived the information which the Survey contains, it is reasonable to believe that the Saxon values were generally adopted, at least as far as the hid was concerned. The minute subdivision of land consequent upon the Conquest probably rendered it necessary to pay especial attention to the smaller units, and I can conceive nothing more likely than a slight change in the value of the acre, while the hid and virgate remained unaltered. Then where an estate comprised only one Saxon acre, it might readily be considered equal to half a ferling, or $1\frac{1}{4}$ Norman measure, for it would have been difficult and complicated to express it in other terms. In fact where small fractional parcels of land were to be subtracted, the Commissioners were generally glad to avoid details, and enter "A. has so much in demesne, and the Villani have aliam terram, *the rest of the land.*" If the Saxon ager paid for half a ferling in the time of the Confessor, it was likely to be taken at that value in the Survey; for the law, *quæ de minimis non curat,* could hardly notice so trifling a deviation. The approximate value of the Saxon acre, however, I have given; it was one day's work for a plough and oxen, in other words very nearly our own statute-acre.

That the value of the hide became gradually indistinct, when reckonings ceased to be made in it, and the calculation was taken upon knights' fees, is very intelligible. We consequently find surprising variations in the amount of hides counted to a knight's fee, as well as the acres contained in this last measure. In the time of Edward the Third it was computed that there were 60,215 knight's fees in England, which taking the present acreage of 31,770,615 gives rather more than 527 acres to a fee: hence those who believed a hide to contain 100 acres, calculated five hides to a knight's fee, in accordance with the Saxon law which made that

amount the minimum of a thane's estate, and also to the entries in Domesday, from which it appeared that one *miles* went from five hides: but here it was overlooked that the hide was exclusively *arable* land. To such erroneous modes of calculation we owe such entries as the following:—

"Decem acrae faciunt fardellum, iv fardelli faciunt virgatam, quatuor virgatae faciunt hydam, quatuor hydae faciunt unum feodum." MS. Harl. 464. fol. 17, b.

where 1 fardel = 10 acres.
4 fardels = 40 acres = 1 virgate.
16 fardels = 160 acres = 4 virgates = 1 hide.
64 fardels = 640 acres = 16 virgates = 4 hides = 1 knight's fee.

Again we are told (Regist. Burgi Sci. Petri, fol. 81, b.) that

"Quinque feoda fuerunt antiquitus una baronia; et quinque hydae unum feodum; et quinque virgatae terrae una hyda, quaelibet virgata de viginti acris."

Or tabularly,—

1 virgate = 20 acres.
5 virgates = 100 acres = 1 hide.
25 virgates = 500 acres = 5 hides = 1 knight's fee.
125 virgates = 2500 acres = 25 hides = 5 fees = 1 barony.

which results neither coincide with the last, nor with those of Domesday, nor with those derived from Saxon authorities.

The hidage of various ancient Gás which has been given in Chapter III. could naturally not be sufficient guide under the new shire divisions. Unfortunately we have not a complete account of the hidage in the shires; nor does what we have coincide with the conclusions arrived at in the course of the fourth chapter.

In the Cotton. MS. Claud. B. vii. (fol. 204, b.), which appears to have been written in the time of Henry III., we have the following entries:—

	Hydae.
In Wiltescyre continentur	4800
In Bedefordscyre sunt	1200
In Cantebrigescyre sunt	2500
In Huntedunescyre sunt	800½
In Northamptescyre sunt	3200

	Hydae.
In Gloucesterscyre sunt	2400
In Wirecesterscyre sunt	1200
In Herefordescyre sunt	1500
In Warewycscyre sunt	1200
In Oxenefordscyre sunt	2400
In Salopescyre sunt	2300
In Cesterscyre sunt	1300
In Staffordescyre sunt	500

The Cotton MS. Vesp. A. xviii. fol. 112, b., written in the reign of Edward I., gives a different list of counties, among which the following variations occur:—

Bedfordshire	1000
Northamptonshire	4200
Gloucestershire	2000
Worcestershire	1500
Shropshire	2400
Cheshire	1200

If we pursue the plan heretofore adopted, we shall have these results:—

County.	Acreage.	Hidage.	H. at 30.	H. at 40.	Excess at 30.	Excess at 40.	Ratio at 30.	Ratio at 40.
Wilts.	868,060	4800	144,000	192,000	724,060	676,000	1 : 5	1 : 3·5
Bedf.	297,632	1200	36,000	48,000	261,632	249,632	1 : 7	1 : 5
Camb.	536,313	2500	75,000	100,000	461,313	436,313	1 : 6	1 : 4·5
Hunt.	242,250	800½	24,015	32,020	218,235	210,230	1 : 9	1 : 7
Nrhm.	646,810	3200	96,000	128,000	550,810	518,810	1 : 5·77	1 : 4
Glouc.	790,470	2400	72,000	96,000	718,470	694,470	1 : 10	1 : 7·25
Worc.	459,710	1200	36,000	48,000	423,700	411,710	1 : 11·75	1 : 8·5
Heref.	543,800	1500	45,000	60,000	502,800	483,800	1 : 11	1 : 8
Warw.	567,930	1200	36,000	48,000	531,930	519,930	1 : 14·75	1 : 10·75
Oxf.	467,230	2400	72,000	96,000	395,230	371,230	1 : 5·5	1 : 4
Salop.	864,360	2300	69,000	92,000	795,360	772,360	1 : 11·5	1 : 8·4
Chesh.	649,050	1300	39,000	52,000	610,050	597,050	1 : 15·62	1 : 11·5
Staff.	736,290	500	15,000	20,000	721,290	716,290	1 : 48	1 : 36·8

Now either these figures cannot be relied on, or we must carry the hide in this calculation to a very different amount. If we take it at 100 acres, we shall find the whole hidage of these thirteen counties amounts to 25,300 × 100 or 2,530,000, while the whole

acreage is 7,669,905; giving an excess of 5,139,905, and consequently a ratio of 25 : 51 nearly, or 1 : 2. This would a little exceed the present ratio, which is 5 : 11, a result which appears very improbable indeed in the reign of Henry III. But when we consider the numberless errors of transcription, so unavoidable where merely numbers, and not words, are given, and the totally inconsistent accounts contained in different manuscripts, we can hardly rest satisfied that the figures themselves are trustworthy. Even on the hypothesis that in the time of Henry III. or Edward I. the hide was calculated on the new footing of 100 acres, we yet could not reconcile the conflicting amounts assigned to the counties themselves.

APPENDIX C.

MANUMISSION OF SERFS.

THE following examples of Manumission are illustrative of the assertions in the text.

And he wylle ðæt man freoge æfter his dæge ælcne wítefæstne man ðe on his tíman forgylt wære. — *Archbishop Ælfríc*, 996–1006.

And it is his will that ye shall manumit after his life, every convict who has been ruined by crime, in his time.—*Cod. Dipl.* No. 716.

Bútan ðæt heó wylæ be ðínre geþafunga ðæt man freoge on ælcum túnæ ælcne wíteþeównæ mann ðæ under hiræ geþeówud wæs.—*Queen Ælfgyfu*. 1012.

Except that she wills, with thy permission, that they shall manumit in every one of her farms, every convict who was reduced to slavery under her:—*Cod. Dipl.* No. 721.

Ðæt is ærest, ðæt ic geann ðæt man gefreoge ælcne wítefæstne man, ðe ic on sprece áhte.—*Æðelstán Æðeling*.

Firstly, I grant that they shall free every convict whom I got in suits.—*Cod. Dipl.* No. 722.

And beón heora mann frige æfter heora beira dæge. — *Ðurstan*, 1049.

And let their serfs be free, after both their lives.—*Cod. Dipl.* No. 788.

Dimidiam vero partem hominum qui in memorata terra sub servitute degunt libertate donavimus.—*Cod. Dipl.* No. 919.

Geatfleda geaf freols for Godes lufa ⁊ for heora sáwla þearfe, ðæt is Ecceard smið, ⁊ Ælstán ⁊ his wíf, ⁊ eall heora ofsprinc boren

Geatflæd freed for God's sake and for her soul's need, namely Ecceard the smith and Ælfstan and his wife and all their off-

ȝ unboren; ȝ Arcil ȝ Cole, ȝ Ecgferð Eádhúnes dohter, ȝ ealle ða men ða heónon heora heáfod for hyra mete, on ðám yflum dagum. Swá hwá swá ðis áwende ȝ hyre sáwla ðises bereáfie, bereáfige hine God ælmihtig ðises lifes ȝ heofona ríces; ȝ sý he áwyrged deád ȝ cwic aa on écnysse. And eác heó hafað gefreód ða men ðe heó þingede æt Cwæspatrike, ðæt is Ælfwald, ȝ Colbrand, Ælsie, ȝ Gamal his sune, Eádred Tredewode ȝ Uhtred his steópsunu, Aculf ȝ Đurkyl ȝ Ælsige. Hwá ðe heom ðises bereáfie God ælmihtig sie heom wráð ȝ sancte Cúðberht. — *Geátflæd*, about 1060.

spring born and unborn; and Arcil and Cole and Ecgferð Eádhun's daughter, and all the men who bent their heads for food in the evil days. Whoso shall set this aside and deprive her soul of this, may Almighty God deprive him both of this life and of the kingdom of heaven; and be he accursed, quick or dead, for ever and ever. And she hath also freed the men for whom she interceded with Cospatrick, namely Ælfwald, and Colbrand, Ælfsige and Gamal his son, Eadred Tredewood and Uhtred his stepson, Aculf and Thurkill and Ælsige. Whoso depriveth them of this, may he have the wrath of Almighty God and Saint Cuthbert.—*Cod. Dipl.* No. 925.

And ic wille ðæt alle míne men bén fré on hirde and on túne for me and for ðó ðe me bigeten.—*Leófgyfu.*

And I will that all my serfs be free, both in manor and farm, for my sake and the sake of them that begot me.—*Cod. Dipl.* No. 931.

Her swutelað on ðisse Cristes béc ðæt Leófenóð, Ægelnóðes sunu æt Heorstúne, hæfð geboht hine ȝ his ofspring út æt Ælfsige abbod ȝ æt eallon hirede on Baðon, mid fíf oran and mid xii heáfdon sceapa, on Leáf-

Here witnesseth in this book of gospels, that Leofenoð, Æðelnoð's son of Harston, hath bought out himself and his offspring, from abbot Ælfsige and all the brotherhood at Bath, with five ores and twelve head

cildes gewitnesse portgerefan, and on ealre ðære burhware on Baðon. Crist hine áblende ðe ðis æfre áwende.—*Convent of Bath.*

of sheep, by witness of Leófcild the portreeve, and all the commonalty of Bath. Christ blind him that ever setteth this aside!—*Cod. Dipl.* No. 933.

Her swutelað on ðisse Cristes béc ðæt Ægelsige æt Lintúnne hæfð geboht Wilsige his sunu út æt Ælfsige abbod on Baðon, and æt eallon hirede tó écean freóte.—*Convent of Bath.*

Here witnesseth in this book of gospels, that Æðelsige of Linton hath bought out Wilsige his son from Ælfsige abbot at Bath, and all the brotherhood, to eternal freedom.—*Cod. Dipl.* No. 934.

Her swutelað on ðisse Cristes béc ðæt Ægelsige Byttices sunu hæfð geboht Hildesige his sunu út æt Ælfsige abbod on Baðon, and æt eallon hirede mid syxtigon penegon tó écean freóte.—*Convent of Bath.*

Here witnesseth in this book of gospels, that Æðelsige, Byttic's son, hath bought out Hildesige his son from Ælfsige, abbot at Bath and all the brotherhood, with sixty pence, that he may be free for ever.—*Cod. Dipl.* No. 935.

Her swutelað on ðisse Cristes béc ðæt Godwig se bucca hæfð geboht Leófgife ða dágean æt Norðstoce ⁊ hyre ofspring mid healfan punde æt Ælfsige abbod tó écean freóte, on ealles ðæs hiredes gewitnesse on Baðon. Crist hine áblende ðe ðis æfre áwende.—*Convent of Bath.*

Here witnesseth in this book of gospels, that Godwig the buck hath bought Leófgifu the doe at Northstock, and all her offspring, with half a pound from abbot Ælfsige, that she may be free for ever, by witness of all the brotherhood in Bath. Christ blind him who ever setteth this aside.—*Cod. Dipl.* No. 936.

Her swutelað on ðisse Cristes béc ðæt Ælsige abbod hæfð ge-

Here witnesseth in this book of gospels, that abbot Ælfsige

freód Godwine bace æt Stántúne for hine ⁊ for ealne ðone hired on Baðan, on Sémannes gewitnesse ⁊ Wulwiges æt Prisctúne ⁊ Ælfríces cermes.—*Convent of Bath.*

hath freed Godwine Back of Stanton, for his own sake and that of all the brotherhood at Bath, by witness of Sémán and Wulfwig of Prisctún and Ælfríc Cerm.—*Cod. Dipl.* No. 937.

An ic an míne landseðlen here toftes tó ówen áihte ⁊ alle míne men fré.—*Sigefæd.*

And to my tenants I give their tofts to be their own property, and all my serfs free.—*Cod. Dipl.* No. 947.

And ic an ðæt land æt Tit intó seynte Paules kirke ðen hewen tó bédlonde mid al ðæt ðéron stant, búten ðe men ðe ðér áren fré men alle for míne sóule. And ic an ðæt land æt Súðereye mid alle ðe fiscoðe ðe ðértó bireð ðen hewen intó sancte Paules kirke, and frie men ðo men for ðe biscopes sóule.... And ic an ðæt lond æt Luðinglond Offe míne sustres sune ⁊ his bróðer, ⁊ fré men ðo men halue, and æt Mindhám alsó for ðe biscopes sóule ..... And lete mon stonden só mikel só ic ðéron fond, and fré men ðo men alle for míne sóule ....—*Bishop Deódred.*

And I grant the land at Tit to the brotherhood at St. Paul's church for the support of their table, with all that is upon it, except the serfs there; let them emancipate these for my soul's sake.....And I grant the land in Surrey with all the fishery thereunto appertaining to the brotherhood of St. Paul's church, and let the serfs be freed for the bishop's soul .... And I grant the estate at Luðingland to Offe my sister's son, and his brother, and let half the serfs there be freed, and so also at Mendham for the bishop's soul .... And [at Hoxne] let them leave as much stock as I found there, and let all the serfs be freed for my soul.—*Cod. Dipl.* No. 957.

Erst for his sáule Palegráue intó Seynt Eádmund, ⁊ Witing-

First for his soul, Palgrave to St. Edmund, and half Witing-

hám half, ⁊ half ðe bisscop: and alle míne men fré, and ilk hæbbe his toft ⁊ his metecú ⁊ his metecorn.—*Ðurcytel.*

ham, the other half to the bishop: and all my serfs free, and let each have his toft, and his meatcow and his meatcorn.—*Cod. Dipl.* No. 959.

Her ſwutelað on ðisum gewrite ðæt Ægelsi on Wuldehám hæfð geléned be Siwordes dæge biscopes his dóhter ⁊ heore dóhter út of Totteles cynne, ⁊ hæfð óðra mænn ðærin gedón, be ðære burhware gewitnesse on Hroueceaster ⁊ be ealle ðæs biscopes geferan.—*Æðelsige.*

This writing witnesseth that Æðelsige of Wouldham hath borrowed for the life of Bishop Sigeward, his daughter and her daughter out of Tottles kin, and hath replaced them by other serfs, by witness of all the commonalty of Rochester, and the bishop's comrades.—*Cod. Dipl.* No. 975.

And alle ðo men fré for unker bóðer sóule.—*Wulfsige.*

And all the serfs free, for both our souls.—*Cod. Dipl.* No. 979.

Ðurkil and Æðelgit unnen Wigorhám intó seynt Eádmunde só ful and só forð só wit it ówen, after unker bóðer day, ⁊ ðo men half fré, þeówe ⁊ lísingas.—*Ðurcytel.*

Thurkill and Æðelgið grant Wigorham to St. Edmund, as full and as forth as we two owned it, after both our lives, and let them free half the men, both þeówes and lísings.—*Cod. Dipl.* No. 980.

The following manumissions from a religious book, formerly the property of St. Petroc's, are selected from a much larger number found in the Codex Dipl. No. 981. The British names which occur in them are of great interest.

Ðes ys ðæs manes nama ðe Byrhsie gefreáde et Petrocys stowe, Byhstán háte Bluntan

This is the man's name whom Byrhtsige freed at St. Petroc's, Byhstán he was called Blunta's

sunu, on Æðelhíde gewitnyse hys ágen wíf, and on Byrhisiys mæsepreóstes, and on Riol, and Myrmen, and Wunsie, Morhæððo, and Cynsie, preóst.

Wuenumon and hire teám, Móruið hire swuster and hire teám, and Wurgustel and his teám, warun gefreód hér on túne for Eádryde cynigc and for Æðel[geard] biscop an ðas hirydes gewitnesse ðe hér on túne syndun.

Marh gefreóde Leðelt and ealle hire teám for Eádwig cyningc on his ágen reliquias: and he hie hét lædan hider tó mynstere, and hér gefreógian on Petrocys reliquias, on ðæs hirydes gewitnesse.

Hér kýð on ðissere béc ðæt Æilsig bohte ánne wífmann Ongyneðel hátte and hire sunu Gyðiccæl æt Ðurcilde mid healfe punde, æt ðære cirican dura on Bodmine, and sealde Æilsige portgeréua and Maccosse hundredes mann .IIII. pengas tó tolle; ðá ferde Æilsig tó ðe ða men bohte, and nam hig and freóde úpp an Petrocys weofede, æfre sacles, on gewitnesse ðissa

son, by witness of Æðelhíð his own wife, and Byrrhtsige the mass priest, and Riol, Myrmen, Wynsige, Morhæððo and Cynsige the priest.

Wuenumon and her offspring, Moruið her sister and her offspring, and Wurgustel and his offspring were manumitted here in the town, for Eadred the king and Æðelgeard the bishop, by witness of all the brotherhood here in the town.

Marh freed Leðelt and all her progeny for Eádwig the king, upon his own reliques: and he caused her to be led hither to the minster, and here to be freed on Petroc's reliques, by witness of the brotherhood.

This book witnesseth that Ælfsige bought a woman named Ongyneðel and her son Gyðiccæl from Ðurcild for half a pound, at the church-door in Bodmin, and gave Ælfsige the portreeve and Maccos the hundred-man, four pence as toll; then went Ælfsige, who bought the serfs, and freed them at Petroc's altar, ever *sacless*, by witness of the following good men:

gódera manna: ðæt wæs, Isaac messepreóst, and Bleðcuf messepreóst, and Wunning messepreóst, and Wulfgér messepreóst, and Grifiuð messepreóst, and Noe messepreóst, and Wurðicið messepreóst, and Æilsig diacon, and Maccos, and Teðion Modredis sunu, and Kynilm, and Beórláf, and Dirling, and Gratcant, and Talan. And gif hwá ðás freót ábrece, hebbe him wið Criste geméne. Amen.

namely, Isaac the masspriest, Bleðcuf the masspriest, Wunning the masspriest, Wulfgér the masspriest, Grifiuð the masspriest, Noe the masspriest, Wurðicið the masspriest, and Ælfsige the deacon, and Maccos, and Teðion Modred's son, and Cynchelm, Beórláf, Dirling, Gratcant and Talan. And whoso breaketh this freedom, let him settle it with Christ! Amen.

Hér kýð on ðissere béc ðæt Ælfríc Ælfwines sunu wolde þeówian Putraele him tó nýdþeówetlinge. Ðá cum Putrael tó Boia and bed his forespece tó Ælfríce his bréðere: ðá sette Boia ðes spece wið Ælfríce; ðæt wæs ðæt Putrael sealde Ælfríce .VIII. oxa æt ðére cirican dura æt Bodmine, and gef Boia sixtig penga for ðére forspæce, and dide hine sylfne and his ofspreng æfre freols and saccles fram ðám dæge, wið Ælfríce and wið Boia and wið ealle Ælfwines cyld and heora ofspreng, on ðissere gewittnisse: Isaac messepreóst, and Wunning presbyter, and Séwulf presbyter, and Godríc diacon, and Cufure prauost, and Wincuf, and Wulfwerd, and

This book witnesseth that Ælfríc the son of Ælfwine wanted to enslave Putrael as a needserf. Then came Putrael to Boia and begged his intercession with his brother Ælfríc: and Boia made this agreement with Ælfríc; namely that Putrael gave Ælfríc viii oxen at the church-door in Bodmin, and gave Boia sixty pence for the intercession, and so made himself and his offspring ever free and *sacless* from that day forth, as to Ælfríc, Boia, and all Ælfwine's children and their offspring, by this witness: Isaac the masspriest, Wunning the presbyter, Séwulf the presbyter, Godríc the deacon, Cufure the provost, Wincuf, Wulfwerd,

Gestin, ðes bisceopes stiwerd, and Artaca, and Kinilm, and Godríc map, and Wulfgér, and má gódra manna.

Gestin the bishop's steward, Artaca, Kinilm, Godríc Map, Wulfgár and other good men.

Hér cýð on ðyson béc ðæt Ælwold gefreóde Hwatu for hys sáwle a[t] Petrocys stow á degye and æfter degye. An[d] Ælgér ys gewytnesse, and Godríc, and Walloð, and Gryfyið, and Bleyðcuf, and Salaman. And hebbe he Gode curs and sanctes Petrocus and ænalle welkynes sanctas ðe ðæt brece ðæt ydón ys. Amen.

This book witnesseth that Ælfwold freed Hwatu for his soul, at St. Petroc's, both during life and after life. And Ælfgár is a witness, and Godríc, and Walloð, and Griffið, and Bleyðcuf, and Salaman. And let him who breaketh what is done have the curse of God and St. Petroc and all the saints of heaven. Amen.

Ðes sint ða menn ðe Wulfsige byscop freóde for Eádgár cinig and for hyne sáwle, æt Petrocys wefode: Leuhelec, Welet, . . nwalt, Beli, Iosep, Dengel, Proswite, Tancwuestel: an ðás gewitnese, Byrhsige mæsseprést, Mermen masseprést, Mar, Catuuti, Wenwiu, Puer, Meðwuistel, Iosep.

These are the men whom Wulfsige the bishop freed for Eádgár the king and for his own soul, at Petroc's altar: Leuhelec, Welet . . . . . nwalt, Beli, Josep, Dengel, Proswite, Tancwuestel: by witness of Byrhsige the masspriest, Mermen the masspriest, Mar, Catuuti, Wenwiu, Puer, Meðwuistel, Josep.

Ðys syndun ðára manna naman ðe Wulfsige byscop gefreódet æt Petrocys wefode for Eádgár and for hine silfne; and Byrhsi ys gewitnese masseprést, and Mermen masseprést, and Morhi: Diuset and ealle here teám.

These are the names of the men whom Wulfsige the bishop freed at Petroc's altar for Eádgár and himself; by witness of Byrhsi the masspriest, Mermen the masspriest and Morhi: Diuset and all her offspring.

Ðys sindun ðára manna naman ðe Wunsie gefreóde at Petrocys stowe, [for] Eádgár cinig, on ealle ðæs hiredys gewitnesse: Conmonoc, Iarnwallon, and Wenwærðlon and Mæiloc.

These are the names of the serfs whom Wunsige freed at St. Petroc's, for king Eádgár, by witness of all the brotherhood: Conmonoc, Iarnwallon, Wenwærðlon and Mæiloc.

Ælfred by his will manumitted all his unfree dependents, and with great care provided for their enjoyment of this liberty: he says[1]:—

And ic bidde on godes naman and on his háligra, ðæt mínra maga nán né yrfewearda ne geswence nán nænig cyrelif ðára ðe ic foregeald, ⁊ me Westseaxena witan tó rihte gerehton, ðæt ic hí mót lætan swá freo swá þeówe, swáðer ic wille; ac ic for Godes lufan and for mínre sáwle þearfe, wylle ðæt hý sýn heora freolses wyrðe, ⁊ hyre cyres; and ic on Godes lifiendes naman beóde, ðæt hý nán man ne brocie, né mid feos manunge, né mid næningum þingum, ðæt híe ne mótan céosan swylcne mann swylce híe wyllan.

And I pray in the name of God and of his saints, that none of my kinsmen or heirs oppress any of my dependents for whom I paid, and whom the witan of the Westsaxons legally adjudged to me, that I might leave them free or þeów, whichever I chose; but I for God's love and my own soul's need, will that they shall enjoy their freedom and their choice; and I command in the name of the living God, that no one disquiet them, either by demand of money, or in any other way, so that they may not choose whomsoever they please [as a protector].

Cyrelif is a person who has a right of choice, or who has exercised a choice: these must have been poor men, free or unfree, who had attached themselves personally to Ælfred, voluntarily or not. He provides that these as well as his serfs may have full liberty to select any other lord, without disquiet through demands of

[1] Cod. Dipl. No. 314.

arrears or any other claims. This is confirmatory of the view taken in the text, that the manumitted serf was obliged to find himself a lord, and so did not become fully free.

And freoge man Wulfware, folgige ðám ðe hyre leófo[st sý,] ..... ealswá, and freoge man Wulflæde on ðæt gerád ðæt heó folgige Æðelflæde ⁊ Eádgyfe: and heó becwæð Eádgyfe áne crencestran ⁊ áne sémestran, óðer hátte Eádgyfu, óðer hátte Æðelgyfu; ⁊ freoge man Gerburg ⁊ Miscin, ⁊ his ..... el, ⁊ Burhulfes dóhtur æt Cinnuc, ⁊ Ælfsige ⁊ his wíf ⁊ his yldran dohter, ⁊ Ceólstánes wíf; ⁊ æt Ceorlatúne freoge man Pifus ⁊ Eádwyne, ⁊ ..... e ... an wífe; ⁊ æt Faccancumbe freoge man Æðelm ⁊ Man ⁊ Iohannan, ⁊ Sprow ⁊ his wíf, ⁊ Ene fætte, ⁊ Gersande ⁊ Suel; ⁊ æt Colleshylle freoge man Æðelgýðe ⁊ Biccan wíf, ⁊ Æffan ⁊ Bedan, ⁊ Gurhannes wíf, ⁊ freoge man Wulfware swystor Bryhsiges wíf, ⁊ ..... ðisne wyrhtan, ⁊ Wulfgýðe Ælfswýðe dóhtor: ⁊ gif ðǽr hwylc wíteþeówman sý búton ðyson, ðe heó geþeówede, heó gelýfð tó hyre bearnon ðæt hí hine wyllon lihtan for hyre sáulle .....

And let Wulfwaru be free, and follow whom she best pleases, and also ....., and let Wulflæd be freed on condition that she follow Æðelflæd and Edith: and she bequeathed to Edith one weaving woman and one sempstress, the one called Edith, the other Æðelgifu; and let them free Gerburg, and Miscin, and his .... and Burhwulf's daughter at Cinnuc, and Ælfsige and his wife and elder daughter, and Ceólstán's wife; and at Charlton let them free Pifus and Eádwyn, and ..... wife; and at Faccombe let them free Æðelm, and Man, and Johanna, and Sprow and his wife, and Ene the fat, and Gersand and Suel; and at Coleshill let them free Æðelgýð and Bicca's wife, Æffe and Bede, and Gurhan's wife, and let them free Wulfware's sister Byrhsiges wife and ..... this wright, and Wulfgýð Ælfswýð's daughter: and if there be any other convicts besides these, whom she reduced to slavery, she trusts that her children will give them this alleviation for her soul's sake .....

Đenne an hió ðán hiwum ðára gebúra ðe on ðám gafollande sittað, ⁊ ðéra þeówra manna hió an hyre syna dehter Eádgyfe ⁊ ðæs yrfes, bútan ðám sáulsceatte ðe man tó Gifle syllan sceal; ⁊ hió wylle ðæt man læte on ðám lande standan vi oxan ⁊ iiii cý mid iiii cealfum; ⁊ of ðám þeówan mannan æt Cinnuc heó becwið Eádwolde, Céolstán Eástánes sunu, ⁊ Æffan sunu; ⁊ Burhwynne, Martin ⁊ his wíf; ⁊ hió becwið Eádgyfe ðær angean Ælfsige ðene cóc ⁊ Tefl Wareburgan dóhtor, ⁊ Herestán ⁊ his wíf, ⁊ Ecelm ⁊ his wíf, ⁊ heora cild, ⁊ Cynestán ⁊ Wynsige, ⁊ Bryhtríces sunu, ⁊ Eádwynne, ⁊ Bunceles sunu ⁊ Ælfweres dóhtor; and hió becwið Æðelflæde Elhhelmes dehter ða geóngran.—*Wynflæd*, about 995.

Then she grants the convent the boors who sit on rent-paying land, and the serfs she gives to her son's daughter Edith, and also the chattels, except the soul-shot which they are to pay to Gifle. And it is her will that they shall leave on the land six oxen and four cows with four calves; and of the serfs at Cinnuc she bequeaths to Eádwold, Céolstán Eástán's son, and Æffe's son; and to Burhwyn she gives Martin and his wife; and she bequeaths again, to Edith, Ælfsige the cook, and Tefl, Wærburge's daughter, and Herestán and his wife, Eghelm and his wife and their child, Cynestán and Wynsige and Brihtric's son, and Eádwyn, and Bunel's son, and Ælfweres daughter; and she bequeaths to Æðelflæd Ealhhelms younger daughter.—*Cod. Dipl.* No. 1290.

The next passage which I have to cite is unhappily very corrupt, but as the sense is obvious I have given such corrections as were required: the readings of the MS. may be seen in the copy printed Cod. Dipl. No. 1339.

And ic wille ðæt míne men beón ealle freo..... And ic wille ðæt ealle ða men ða ic an freo, ðæt hí hæbben ealle þing ða hý under hande habbað, bútan ðæt

And I will that my serfs shall all be free.... And I will that all the men to whom I grant freedom shall have everything which is under their hand, except the

lond æt Herelingum Stigande arcebisceope mínum hláforde, swá hit stent, bútan ða men beón ealle freo.—*Cytel*, about 1055.

land at Harling which I give to archbishop Stigand my lord, as it stands, only that the serfs are all to be free.—*Cod. Dipl.* No. 1342.

The following manumissions are recorded by the Convent in Bath. They will be found in the Codex Diplomaticus, No. 1351.

Hér swutelað on ðissere Cristes bóc ðæt Eádríc æt Fordan hæfð geboht Sægýfu his dóhtor æt Ælfsige abbod and æt ðám hirede on Baðan tó écum freóte, and eall hire ofspring.

Here witnesseth on this book of gospels that Eádríč at Ford hath bought Sægyfu his daughter from Ælfsige the abbot and the convent at Bath, that she may be free for ever, and all her offspring.

Hér swutelað on ðisse Cristes bóc ðæt Ælfríc Scot and Ægelríc Scot synd gefreód for Ælfsiges abbodes sáwle tó écan freóte. Ðis is gedón on ealles hiredes gewitnesse.

Here witnesseth on this book of gospels, that Ælfríc the Scot and Æðelríc the Scot are made free, for the soul of abbot Ælfsige, that they may be free for ever. This is done by witness of all the convent.

Her swutelað on ðissere Cristes bóc, ðæt Ælfwig se réd hæfð geboht hine selfne út æt Ælfsige abbot and eallon hirede mid ánon punde. Ðár is tó gewitnes eall se hired on Baðan. Crist hine áblende ðe ðis gewrit áwende.

Here witnesseth on this book of gospels, that Ælfwig the red hath bought himself out from Ælfsige the abbot and all the convent for one pound. To this is witness all the convent in Bath. Christ blind him who setteth this writ aside!

Her swutelað in ðisre Cristes bóc, ðæt Iohann hæfð geboht

Here witnesseth on this book of gospels, that John hath

Gunnilde, Þurkilles dóhter, æt Góde, Leofenáðes láfe, tó healfan punde, on ealles hiredes gewitnysse. Crist hine áblende, ðe ðis gewrit áwende. And he hæfð hí betéht Criste ⁊ sancte Petre for his móder sáwle.

bought Gunhild, Thurkil's daughter, from Góde Leofenáð's widow, for half a pound, by witness of all the convent. Christ blind him who setteth this writ aside! And he hath given her to Christ and St. Peter for his mother's soul.

Her swutelað on ðissere Cristes béc, ðæt Sæwi Hagg æt Wídecumbe hæfð gedón út his twegen suna æt Ælfsige abbude, on ealles hiredes gewitnesse.

Here witnesseth on this book of gospels, that Sæwig Hagg of Widcomb hath done out his two sons from Ælfsige the abbot, by witness of all the convent.

Her swutelað on ðissere Cristes béc, ðæt Ægylmær bohte Sæðrýðe æt Sæwolde abbude, mid .III. maxan on ealles hiredes gewitnysse; and ofer his dæg and his wífes dæg beó se man freoh. Crist hine áblende, ðe ðis gewrit áwende.

Here witnesseth on this book of gospels, that Æðelmær bought Sæðrýð from Sæwold the abbot for two mancuses, by witness of all the convent; and after his and his wife's life let the serf be free. Christ blind him who setteth this writ aside!

Her swutelað on ðissere Cristes béc, ðæt Wulfwine Háreberd bohte æt Ælfsige abbude, Ælfgýðe mid healfan punde on ealles hiredes gewitnysse: and Crist hine áblende ðe ðis gewrit áwende.

Here witnesseth on this book of gospels, that Wulfwine Hoarbeard bought Ælfgyð from abbot Ælfsige for half a pound, by witness of all the convent: and Christ blind him who setteth this writ aside!

Her swutelað on ðissere Cristes béc, ðæt Ægylsige bohte Wynríc æt Ælfsige abbude mid ánon yre goldes. Ðysses ys tó gewitnysse

Here witnesseth on this book of gospels, that Æðelsige bought Wynríc from abbot Ælfsige for an ore of gold. The witnesses of

Ælfryd portgeréua and eal se hired on Baðon. Crist hine ablende ðe ðis gewrit awende.

this are Ælfred the portreeve and all the convent at Bath. Christ blind him who setteth this writ aside!

Her swutelað on ðissere Cristes béc, ðæt Siwine Leófwies sunu æt Lincumbe hafað geboht Sydeflæde út mid fíf scyllingam and ..... penegam æt Iohanne biscope and æt eallon ðám hirede on Baðon tó écum freóte: and her tó is gewitnesse Godric Ladda and Sæwold and his twegen sunan Scírewold and Brihtwold.

Here witnesseth on this book of gospels, that Sigewine Leófwige's son of Lincomb hath bought Sydeflæd out with five shillings and .... pence from bishop John and all the convent at Bath, to be free for ever: and witness thereof are Godríc Ladda, and Sæwold and his two sons Scírewold and Brihtwold.

Her swutelað on ðisse Cristes béc, ðæt Lifgíð æt Forda is gefreód, and hire twá cild, for ðone biscop Johanne and for ealne ðone hired on Baðon, on Ælfredes gewitnesse Aspania.

Here witnesseth on this book of gospels, that Lifgið at Ford is freed, with her two children, for bishop John and all the convent at Bath, by witness of Ælfred Aspania.

Her cyð on ðisse béc ðæt H[un]fl[æd] gebohte Wulfgýðe æt Ælfríce Æðelstánes su[na] Æðelminges, on Winemines gewitnisse eald-portgerefan, and on Godríces his suna, and on Ælfwines Mannan suna, and on Leófríces cildes æt Hymed, and on Ælfríces Ælfhelmes suna geóngan: and Brún bydel nam ðæt toll on Ælfstánes gewitnisse mæssepreóstes and on Leófríces Winemines suna, and on má l[æweda ⁊ gehádodra.]

Here witnesseth in this book that Hunflæd bought Wulfgýð from Ælfríc the son of Æðelstán the son of Æðelm, by witness of Winemine the old portreeve, and of Godríc his son, and Ælfwine Manna's son, and Leófríc the child at Hymed, and Ælfríc Ælfhelm's son, the young: and Brún the beadle took the toll by witness of Ælfstán the mass priest, of Leófríc Winemine's son, and more persons both lay and ordained.—*Cod. Dipl.* No. 1353.

These examples, so numerous and varied, supply a very clear view of the mode of emancipation, and its objects, in the Anglo-saxon time. It is to be regretted that we have not more of them, and from other places: but still, as it is probable that the system adopted by the clergy prevailed throughout England, these may serve as a very satisfactory specimen of the usual course on these occasions,—both as to the form of manumission and the method of providing for the emancipated serf.

APPENDIX D.

ORCY'S GUILD AT ABBOTSBURY.

(*From the Cod. Dipl. No.* 942.)

"This writing witnesseth that Orcy hath granted the guildhall at Abbotsbury and the site thereof, to the honour of God and St. Peter, and for a property to the guild, both during his life and after his life, for a long lasting commemoration of himself and his consort. Let him that would set it aside, answer it to God in the great day of judgement!

"Now these are the covenants which Orcy and the gyldsmen of Abbotsbury have ordained, to the honour of God, the worship of St. Peter, and the hele of their own souls. Firstly; three days before St. Peter's mass, from each guildbrother one penny, or one pennyworth of wax,—look which the minster most needeth; and on the Mass eve, from every two guildbrothers one broad loaf, well sifted and well raised, towards our common alms; and five weeks before Peter's mass, let each guildbrother contribute one guildsester full of clean wheat, and let this be paid within two days, on forfeiture of the entrance, which is three sesters of wheat. And let the wood be paid within three days after the corn-contribution, from every full guildbrother one load of wood, and from those who are not full brothers, two; or let him pay one guildsester of corn. And let him that undertaketh a charge and performeth it not accordingly, be mulcted in the amount of his entrance; and be there no remission. And if one brother misgreet another within the guild, in hostile temper, let him atone for it to all the fellowship with the amount of his entrance, and after that to him whom he misgreeted, as they two may arrange: and if he will not bend to compensation, let him lose our fellow-

ship and every other advantage of the guild. And let him that introduceth more guests than he ought, without leave of the steward and the caterers, forfeit his entrance. And if any of our fellowship should pass away from us, let each brother contribute a penny over the corpse for the soul's hele or pay . . . . . brothers: and if any one of us should be afflicted with sickness within sixty . . . . . we are to find fifteen men who shall fetch him, and if he be dead, thirty, and they shall bring him to the place which he desired to go to, while he lived. And if he die in this present place, let the steward have warning to what place the corpse is to go; and let the steward warn the brethren, the greatest number that he can ride or send to, that they shall come thither and worthily accompany the corpse and bear it to the minster, and earnestly pray there for the soul. It is rightly ordained a guildship if we do thus, and well fitting it is both toward God and man: for we know not which of us shall first depart.

"Now we have faith, through God's assistance, that the aforesaid ordinance, if we rightly maintain it, shall be to the benefit of us all. Let us earnestly from the bottom of our hearts beseech Almighty God to have mercy upon us, and also his holy apostle St. Peter to make intercession for us, and take our way unto eternal rest, because for his sake we have gathered this guild together: he hath the power in heaven to admit into heaven whom so he will, and to exclude whom so he will not, even as Christ himself spake unto him in his gospel: Peter, I give to thee the keys of heaven, and whatsoever thou wilt have bound on earth, the same shall be bound in heaven, and whatsoever thou wilt have unbound on earth, the same shall be unbound in heaven. Let us have hope and trust in him, that he will guide us here in this world, and after death be a help to our souls. May he bring us to eternal rest! Amen!"

THE GUILD AT EXETER.

"This assembly was collected in Exeter, for the love of God, and for our souls' need, both in regard to our health of life here, and to the after days, which we desire for ourselves by God's doom.

Now we have agreed that our meeting shall be thrice in the twelve months; once at St. Michael's Mass, secondly at St. Mary's Mass, after midwinter, and thirdly at Allhallows Mass after Easter; and let each gild-brother have two sesters of malt, and each young man[1] one sester, and a sceat of honey; and let the mass-priest at each of our meetings sing two masses, one for our living friends, the other for the dead: and let each brother of common condition sing two psalters of psalms, one for the living and one for the dead; and at the death of a brother, each man six masses, or six psalters of psalms; and at a death, each man five pence; and at a houseburning each man one penny. And if any one neglect the day, for the first time three masses; for the second five, and at the third time let him have no favour, unless his neglect arose from sickness or his lord's need. And if any one neglect his subscription at the proper day let him pay double. And if any one of this brotherhood misgreet another, let him make boot with thirty pence. Now we pray for the love of God that every man hold this meeting rightly, as we rightly have agreed upon it. God help us thereunto."

THE GUILD AT CAMBRIDGE.

"In this writ is the notification of the agreement which this brotherhood hath made in the thanes' gild of Grantabrycg. That is first, that each gave oath upon the relics to the rest, that he would hold true brotherhood for God and for the world, and all the brotherhood to support him that hath the best right. If any gild-brother die, all the gildship is to bring him where he desired to lie; and let him that cometh not thereto pay a sester of honey; and let the gildship inherit of the dead half a farm, and each gild-brother contribute two pence to the alms, and out of this sum let what is fitting be taken to St. Æðelðrýð. And if any gild-brother have need of his fellows' aid, and it be made known to the reeve nearest the gild (unless the gild-brother himself be nigh) and the

[1] The meaning of *cniht* is not certain in this passage. It may imply a servant, but I think it more likely that merely young freemen are intended, who were not full citizens, and were therefore not reckoned full gegyldan.

reeve neglect it, let him pay one pound; if the lord neglect it, let him pay a pound, unless he be on his lord's need or confined to his bed. And if any one steal from a gild-brother, let there be no boot, but eight pounds. But if the outlaw neglect this boot, let all the gildship avenge their comrade; and let all bear it, if one misdo; let all bear alike. And if any gild-brother slay a man, and if he be a compelled avenger and compensate for his insult, and the slain man be a twelve-hundred man, let each gild-brother assist.....if the slain be a ceorl, two ores; if he be a Welshman, one ore. But if the gild-brother with folly and deceit slay a man, let him bear his own deed; and if a comrade slay another comrade through his own folly, let him bear his breach as regards the relatives of the slain; and let him buy back his brotherhood in the gild with eight pounds, or lose for ever our brotherhood and friendship. And if a gild-brother eat or drink with him that slew his comrade, save in the presence of the king, the bishop or the ealdorman, let him pay a pound, unless he can clear himself with two of his dependents, of any knowledge of the fact. If any comrade misgreet another, let him pay a sester of honey, except he can clear himself with his two dependents. If a servant draw a weapon, let his lord pay a pound, and recover what he can from the servant, and let all the company aid him to recover his money. And if a servant wound another, let the lord avenge it, and the company, so that seek what he may seek, he shall not have his life. And if a servant sit within the spence, let him pay a sester of honey, and if any one hath a foot-sitter let him do the same. And if any gild-brother die or lie sick out of the country, let his gild-brethren fetch him alive or dead, to the place where he desired to lie, under the same penalty as we have before said, in case of a comrade's dying at home, and a gild-brother neglecting to attend the corpse."

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* The following document, which seems justly referable to the reign of Eádgár, that is to the close of the tenth century, gives the regulations under which the Hundred was constituted[1].

[1] Thorpe, i. 258, etc.

"This is the Ordinance how the Hundred shall be held.

"First that they meet every four weeks, and that each man do right to other.

"That a thief be pursued, if necessary. If there be present need, let it be told the hundredman, and let him afterwards make it known to the tithingmen, and let them all go forth whither God may direct them to their end: let them do justice on the thief as it was formerly Eádmund's law. And be the *ceápgild* paid to him that owns the chattel; and be the rest divided in two, half to the hundred, half to the lord, except men; and let the lord take possession of the men.

"And if any man neglect this, and deny the judgement of the hundred, and the same be afterwards proved against him, let him pay to the hundred thirty pence; and the second time, sixty pence; half to the hundred, half to the lord. If he do it a third time, let him pay half a pound: the fourth time, let him lose all that he hath, and be an outlaw, unless the king will allow him to remain in the land.

"And we have ordained respecting unknown cattle, that no man should have it without the witness of the hundredman or the tithingman; and that he be a well trusty man; and unless he have one or other of these, let no vouching to warranty be allowed him[1].

"We have also ordained, that, if the hundred pursue a track into another hundred, notice be given to the hundredman, and that he then go with them. If he neglect this, let him pay thirty shillings to the king.

"If any one flinch from justice and escape, let him that had him in custody pay the *angild*. And if he be accused of having aided the escape, let him clear himself according to the custom of the country.

"In the hundred as in every other *gemót*, we ordain that folk-right be pronounced in every suit, and that a term be appointed

[1] Compare the further provisions of Eádgár's law. Supp. 11. § 6, 7, 8, 9, 10, 11. Thorpe, i. 274, 276.

when it shall be fulfilled. And if any one break that term, unless it be through the lord's decree, let him make amends with thirty shillings, and on a set day fulfil that which he should have done before.

"An oxes bell, and a dog's collar, and a blast horn, each of these three shall be worth a shilling, and each is reckoned *an informer*.

"Let the iron for the threefold ordeal weigh three pounds; and for the single, one pound."

APPENDIX E.

LÆ'NLAND.

THE following documents throw light upon the nature of Lænland, and the conditions under which it was held. The first is a detailed account given by Oswald, bishop of Worcester, to king Eádgár, of the plan which he adopted in leasing the lands of his church: it is reprinted here from the sixth volume of the Codex Diplomaticus, No. 1287. The second is a statement of the way in which an estate of six ploughlands at Wouldham in Kent became the property of the Cathedral at Rochester: it is No. 1288 in the same collection.

"Domino meo karissimo regi Anglorum Eadgaro, ego Osuualdus Uuigornensis aecclesiae episcopus omnium quae mihi per ipsius clementiam munerum tradita sunt, apud deum et apud homines gratias ago. Igitur si dei misericordia suppeditet, coram deo et hominibus perpetualiter ei fidelis permanebo, reminiscens cum gratiarum actione largifluae benignitatis eius, quia per meos illud quod magnopere expetebam mihi concessit internuntios, id est reverentissimum Dunstanum archiepiscopum et venerandum Æðeluuoldum Uuintoniae episcopum et virum magnificum Brihtnoðum comitem, quorum legatione et adiutorio meam et sanctae dei aecclesiae querelam suscepit, et secundum consilium sapientum et principum suorum iuste emendavit, ad sustentamen aecclesiae quam mihi benigne et libens regendam commisit. Quare quomodo fidos mihi subditos telluribus quae meae traditae sunt potestati per spatium temporis trium hominum, id est duorum post se haeredum, condonarem, placuit tam mihi quam ipsis fautoribus et consiliariis meis, cum ipsius domini mei regis licentia et attestatione, ut fratri-

bus meis successoribus, scilicet episcopis, per cyrographi cautionem apertius enuclearem, ut sciant quid ab eis extorquere iuste debeant secundum conventionem cum eis factam et sponsionem suam; unde et hanc epistolam ob cautelae causam componere studui, ne quis malignae cupiditatis instinctu hoc sequenti tempore mutare volens abiurare a servitio aecclesiae queat. Haec itaque conventio cum eis facta est ipso domino meo rege annuente et sua attestatione munificentiae suae largitatem roborante et confirmante, omnibusque ipsius regiminis sapientibus et principibus attestantibus et consentientibus. Hoc pacto eis terras sanctae aecclesiae sub me tenere concessi, hoc est ut omnis equitandi lex ab eis impleatur quae ad equites pertinet, et ut pleniter persolvant omnia quae ad ius ipsius aecclesiae iuste competunt, scilicet ea quae Anglice dicuntur ciricsceatt et toll id est thelon. et tacc. id est swinsceade et caetera iura aecclesiae, nisi episcopus quid alicui eorum perdonare voluerit, seseque quamdiu ipsius terras tenent in mandatis pontificis humiliter cum omni subiectione perseverare etiam iureiurando affirment. Super haec etiam ad omnis industriae episcopi indigentiam semetipsos praesto impendant, equos praestent, ipsi equitent, et ad totum piramiticum opus aecclesiae calcis atque ad pontis aedificium ultro inveniantur parati, sed et venationis sepem domini episcopi ultronei ad aedificandum reperiantur, suaque quandocumque domino episcopo libuerit venabula destinent venatum; insuper ad multas alias indigentiae causas quibus opus est domino antistiti sepe frunisci, sive ad suum servitium sive ad regale explendum, semper illius archiductoris dominatui et voluntati qui episcopatui praesidet, propter beneficium quod illis praestitum est, cum omni humilitate et subiectione subditi fiant, secundum ipsius voluntatem et terrarum quas quisque possidet quantitatem. Decurso autem praefati temporis curriculo, videlicet duorum post eos qui eas modo possident haeredum vitae spatio, in ipsius antistitis, sit arbitrio quid inde velit, et quomodo sui velle sit inde ita stet, sive ad suum opus eas retinere, si sic sibi utile iudicaverit, sive eas alicui diutius praestare, si sic sibi placuerit, velut ita dumtaxat ut semper aecclesiae servitia pleniter ut praefati sumus inde persolvantur; ast si quid praefatorum delicti praevaricantis causa

defuerit iurum, praevaricationis delictum secundum quod praesulis ius est emendet, aut illo quod antea potitus est dono et terra careat. Si quis vero diabolo instigante, quod minime optamus, extiterit qui per nostrum beneficium aecclesiam dei fraude, seu in sua possessione aut servitio debito privare temptaverit, ipse nostra omnique benedictione dei et sanctorum eius privetur, nisi profundissima emendatione illud corrigere studeat et ad pristinum statum quod defraudavit redigat, scriptum est enim 'Raptores et sacrilegi regnum dei non consequentur.' Nunc autem propter deum et sanctam Mariam, in cuius nomine hoc monasterium dicatum est, moneo et praecipio, ut nullo modo quis hoc praevaricare audeat, sed sicut a nobis statutum est, ut praefati sumus, perpetualiter maneat. Qui custodierit omni benedictione repleatur; qui vero infringerit maledicetur a domino et ab omnibus sanctis, Amen. Gratanter, reverentissime domine, quo tantis tuae donis clementiae, secundum quod totius creatoris cosmi est velle, praeditus sum, meae operam voluntatis, ut pro te tuisque deum iugiter interpellem devotus impendam, meosque successores ad hoc hortari studebo, ut domini misericordiam pro te deprecari non desinant, ut Christus pace qui perhenni regnat ethrali in arce te consortio dignum haberi dignetur sanctorum omnium in aula coelesti. Valeat in aevum qui hoc studuerit servare decretum. Harum textus .... epistolarum tres sunt ad praetitulationem et ad signum, una in ipsa civitate quae vocatur Uuigraceaster, altera cum venerabili Dunstano archiepiscopo in Cantuaria, tertia cum Æðeluuoldo episcopo in Uuintonia civitate."

"Æðelbryht cinc hit gebócode ðám apostole on éce yrfe, and betæhte hit ðám biscope Eárdulfe tó bewitenne and his æftergæncan. Ðá betweonan ðám wearð hit úte, and hæfdon hit cynegas oð Eádmund cinc; ðá

"King Æðelberht granted it by his charter for ever to the apostle, and gave it in charge to bishop Eardwulf and his successors. However in process of time it became alienated, and the kings had it down to Eád-

gebohte hit Ælfstán Heáhstáninc æt ðám cince mid hund twelftigan mancesan goldes and ðrittigan pundan, and ðæt him sealde mæst eal Ælfeh his sunu. Æfter Eádmunde cincge ða gebócode hit Eádred cinc Ælfstáne on éce yrfe: ðá æfter Ælfstánes dæge wæs Ælfeh his sunu his yrfewærd; and ðæt he leác on hálre tungon, and ofteáh Ælfríce his bréðer landes and æhta, bútan he hwæt æt him gearnode. Ðá for ðære bróðorsibbe geúðe he him Eárhiðes and Crægan and Æneſfordes and Wuldahámes his dæg. Ðá oferbád Ælfeh his bróðor and feng tó his læne: ðá hæfde Ælfríc suna Eádríc hátte and Ælfeh nænne. Ðá geúðe Ælfeh ðám Eádríce Eárhiðes and Crægan and Wuldahámes, and hæfde him sylf Æneſford. Ðá gewát Eádríc ær Ælfeh cwideleás, and Ælféh feng tó his læne. Ðá hæfde Eádríc láfe and nán beárn; ðá geúðe Ælfeh hire hire morgengife æt Crægan; and stód Earhið and Wuldahám and Lytlanbróc on his læne. Ðá him eft geðúhte, ðá nám he his feorme on Wuldahám and on ðám óðran wolde, ac hine geyflade, and he ðá sænde tó ðám arcebisceope Dúnstáne, mund; then Ælfstán son of Heáhstán bought it of the king for a hundred and twenty mancuses of gold and thirty pounds, and Ælfheáh his son gave him nearly all the money. After king Eádmund, king Eádred booked it to Ælfstán as an inheritance for ever: now after Ælfstán's day, Ælfheáh his son was his heir, and that he proved with a whole tongue, and deprived Ælfríc his brother both of land and chattels, but what he might deserve at his hands. Now for brotherly love he granted him Erith, Cray, Ænesford and Wouldham, for his life. Then Ælfheáh survived his brother, and re-entered on his lén: but Ælfríc had a son called Eádríc, and Ælfheáh had none. Then Ælfheáh granted Eádríc, Erith, Cray and Wouldham, and kept Ænesford for himself. Now Eádríc died before Ælfheáh without making a will, and Ælfheáh re-entered on his lén. Eádríc had a widow but no child; then Ælfheáh granted her her *morning-gift*, at Cray; and Erith, Wouldham and Littlebrook stood on his lén. When he bethought him, he took his feorm at Wouldham, and meant

and he cóm tó Scylfe tó him: and he cwæð his cwide beforan him, and he sætte ænne cwide tó Cristes cyrican, and óðerne tó sancte Andrea, and ðane þriddan sealde his láfe. Ðá bræc sýððan Leófsunu þurh ðæt wíf ðe he nam, Eádríces láfe, ðæne cwide, and herewade ðæs arcebiscopes gewitnesse, rád ða innon ða land mid ðám wífe bútan witena dóme. Ðá man ðæt ðám biscope cíðde, ðá gelædde se biscop áhnunga ealles Ælféhes cwides tó Eárhiðe, on gewitnesse Ælfstánes biscopes on Lundene, and ealles ðæs hiredes, and ðæs æt Cristes cyrican, and ðæs biscopes Ælfstánes an Hrofeceastre, and Wulfsies preóstes ðæs scírigmannes, and Bryhtwaldes on Mæreweorðe, and ealra Eást Cantwarena and West Cantwarena. And hit wæs gecnáwe on Súð-Seáxan and on West-Seáxan and on Middel-Seáxan and on Est-Seáxan, ðæt se arcebisceop mid his selfes áðe geáhnode Gode and sancte Andrea mid ðám bócan on Cristes hróde, ða land ðe Leófsunu him tóteáh. And ðæne áð nam Wulfsige se scírigman, ðá he nolde tó ðæs cinges handa: and ðære wæs God eáca ten hundan mannan ðe ðane áð sealdan.

so to do at the other places, but he fell ill, and sent to archbishop Dúnstán, and he came to him at Scylf: and Ælfheáh declared his will before him, and he deposited one will at Christchurch, another at St. Andrews, and the third copy he gave his widow. But afterwards Leofsunu broke through the will, through the wife he married, namely Eádríc's widow, and set at nought the archbishop's testimony, and rode in upon the land with the woman, without any judgement of the witan. Now when this was reported to the bishop, he took all the claims of ownership under Ælfheáh's will, to Erith, in witness of Ælfstán bishop of London, and all the convent, and that at Christchurch, and Ælfstán bishop of Rochester, and Wulfsige the priest who was sheriff, and Bryhtwald of Mereworth, and all the men of East Kent and of West Kent. And it was well known in Sussex and Wessex, and Middlesex and Essex, that the archbishop with his own oath upon the cross of Christ, recovered the land which Leofsunu had invaded, together with the books, for God and St. Andrew. And

Rubric. Đús wǽron ðа seox sulung æt Wuldahám sancte Andrea gesealdе intó Hrofe-sceastre."

Wulfsige the sheriff received the oath, since he would not go to the king's hand: and there was a good addition of a thousand men who gave the oath.

Rubric. Thus were the six ploughlands at Wouldham given to St. Andrew at Rochester."

APPENDIX F.

HEATHENDOM.

THE following passages of the Anglosaxon Laws contain general enactments against heathen practices, or references to heathen superstitions.

"Gif ceorl búton wífes wísdóme deóflum gelde, he sie ealra his æhta scyldig, and healsfange. Gif butwu deóflum geldað, síon héo healsfange scyldige, ⁊ ealra æhta."—*Ll. Wihtr.* § 12. *Thorpe*, i. 40.

"Gif þeów deóflum geldað .vi. scill. gebéte, oððe his hýd."—*Ll. Wihtr.* § 13. *Thorpe*, i. 40.

"Gif hwá Cristendóm wyrde, oððe hæðendóm weorðige, wordes oððe weorces, gylde swá wer swá wíte, swá lahslite, be ðám ðe seó dæd sý."—*Eádw. Gúð.* § 2. *Thorpe*, i. 168.

"Gif wiccan oððe wigleras, mánsworan oððe morðwyrhtan, oððe fúle, áfýlede æbære horcwenan áhwar on lande wurðan ágyteue, ðonne fýsie hí man of earde ⁊ cláensie ða þeóde, oððe on earde forfare hý mid ealle, búton hí geswícan ⁊ ðe deóppor gebétan."—*Eádw. Gúð.* § 11. *Thorpe*, i. 172.

"Ond we cwædon be ðæm wicceræftum, ⁊ be liblácum, ⁊ be morðdædum, gif man ðær ácweald wære, ⁊ he his ætsacan ne mihte, ðæt he beó his feores scyldig."—*Æðelst.* i. § 6. *Thorpe*, i. 202.

"Ðá ðe mánsweriað ⁊ lyblác wyrcað, sýn hí á fram ælcum Godes dæle áworpene, búton hý tó rihtre dædbóte gecyrran."—*Eádm.* i. § 6. *Thorpe*, i. 246.

"And gif wiccan oððe wigleras, scincræftigan oððe horcwenan, morðwyrhtan oððe mánsworan áhwar on earde wurðan ágitene, fýse hí man georne út of ðysan earde ⁊ clænsige ðás þeóde, oððe on earde forfare hí mid ealle, bútan hí geswícan ⁊ ðe deóppor gebétan"—*Æðelr.* vi. § 7. *Thorpe,* i. 316. *Cnut,* ii. § 4. *Thorpe,* i. 378.

"And we forbeódað eornostlíce ælcne hæðenscipe. Hæðenscipe bið ðæt man idola weorðige, ðæt is ðæt man weorðige hæðene godas ⁊ sunnan oððe mónan, fýr oððe flód, wæterwyllas oððe stánas oððe æniges cynnes wudutreówa, oððe wiccecræft lufige, oððe morðwerc gefremme, on ænige wisan, oððe on blóte, oððe on fyrhte, oððe on swylcra gedwimera ænig þing dreóge."—*Cnut,* ii. § 5. *Thorpe,* i. 378.

"Si quis veneno, vel sortilegio, vel invultuacione, seu maleficio aliquo, faciat homicidium, sive illi paratum sit, sive alii, nihil refert, quin factum mortiferum et nullo modo redimendum sit."—*Ll. Hen. I.* lxxi. § 1.

The well- and tree-worship noticed in these laws continued to be retained, though in a somewhat altered form, until a very late period; and especially it was usual to perform religious ceremonies at the salt-springs, spots always looked upon as holy[1].

The confessional however was more likely to be in the secret of the popular heathendom than the civil legislator. Accordingly the Poenitentials supply us with a variety of information upon this subject. The Poenitential of Theodor has a long chapter devoted to the heathen practices of communicants, and their appropriate penances.

"xxvii. De Idolatria et Sacrilegio, et qui Angelos colunt, et maleficos, Ariolos, Veneficos, Sortilegos, Divinos, et vota reddentes nisi ad aecclesiam Dei, et in Kalendas Januarii in cervulo et in vitula vadit, et Mathematicos, et Emissores tempestatum."

[1] Thoms, Anecd. and Traditions, p. 93. The holy character of the salt-springs is noticed by Tacitus.

The points principally noted here are, sacrificing to dæmons, that is, the ancient gods; eating and drinking near heathen temples, *fana*, in honour of the god of the place; or eating what has been sacrificed to dæmons; or celebrating festal meals in the abominable places of the heathen[1]; seeking auguries by the flight of birds, making philacteries or philtres. Other forms may be gathered from the following heads:—

Si quis maleficio suo aliquem perdiderit vii. annos poeniteat. Si quis pro amore veneficus sit et neminem perdiderit, etc. Si autem per hoc mulieris partum quis deceperit, etc. Si quis ariolos quaerit, quos divinos vocant, vel aliquas divinationes fecerit, quia et hoc daemoniacum est, etc. Si quis sortes habuerit, quas Sanctorum contra rationem vocant, vel aliquas sortes habuerit, vel qualicunque malo ingenio sortitus fuerit, vel divinaverit, etc. Si qua mulier divinationes vel incantationes diabolicas fecerit, etc. Si qua mulier filium suum vel filiam super tectum pro sanitate posuerit, vel in fornace, etc. Qui grana arserit ubi mortuus est homo, pro sanitate viventium et domus, etc. Si quis, pro sanitate filioli, per foramen terrae exierit, illudque spinis post se concludit, etc. Si quis ad arbores, vel ad fontes, vel ad lapides, sive ad cancellos, vel ubicunque, excepto in aecclesia Dei, votum voverit aut exsolverit, etc., et hoc sacrilegium est vel daemoniacum. Qui vero ibidem ederit aut biberit, etc. Si quis in Kalendas Januarii in cervulo aut vetula vadit, id est, in ferarum habitus se communicant[2], et vestiuntur pellibus pecudum, et assumunt capita bestiarum; qui vero taliter in ferinas species se transformant, etc., quia hoc daemoniacum est. Si quis mathematicus est, id est, per invocationem daemonum hominis mentem converterit, etc. Si quis emissor tempestatis fuerit, id est, maleficus, etc. Si quis ligaturas fecerit, quod detestabile est, etc. Qui auguria vel divinationes in consuetudine habuerit, etc. Qui observat divinos, vel praecantatores, philacteria etiam diabolica, et somnia vel herbas, aut quintam feriam honore Jovis, vel Kalendas Januarii, more paganorum, honorat, etc. Qui

[1] Refer to Gregory's letter, cited at p. 332 of this volume.

[2] Probably "commutant."

student exercere quando luna obscuratur, ut clamoribus suis ac maleficiis sacrilego usu eam defendere confidunt, etc. Qui in honore lunae pro aliqua sanitate ieiunat, etc.

Other fragments of Theodor contain this additional provision :—

"Qui nocturna sacrificia daemonum celebraverint, vel incantationibus daemones invocaverint, capite puniantur."

Archbishop Ecgberht has further details: he says[1]:—

"Si quis daemonibus exigui quid immolaverit, annum unum ieiunet. Quicunque cibum daemonibus immolatum comederit, etc. Quicunque grana combusserit in loco ubi mortuus est homo, pro sanitate viventium et domus, etc. Si mulier filiam suam super domum, vel in fornace posuerit, eo quod eam a febri sanare velit," etc.

The Saxon version in the MS. at Brussels, applies this to other illness besides fever: "Gif hwylc wíf seteð hire bearn ofer hróf oððe on ofen, for hwylcere untrymðe hælo .vii. gear fæste."

The same prelate in his Poenitential ordains[2]:—

"Gif ænig man óðerne mid wiccecræfte fordó, fæste .vii. gear," etc.

"Gif hwá drífe stacan on ænigne man, fæste .iii. gear. and gif se man for ðære stacunge deád bið, ðonne fæste he .vii. gear, ealswá hit hér búfpon áwriten is[3]."

This "stacan drífan" or "stacung" is the *invultuatio* which has been explained in the text, and of which an example has been

[1] Confessionale, 32, 33; see also his Poenitentiale, ii. 22, 23. Thorpe, ii. 157, 190.

[2] Poenit. iv. 16, 17, 18, 19, 20. Thorpe, ii. 208, 210.

[3] This is repeated in the same words in the collection called Canons enacted under king Eádgár, in that portion entitled "Modus imponendi poenitentiam." But as Dr. Kunstman, an authority of the highest character on this point, informs me, these Canons are founded upon and contain portions of the very ancient Poenitential of Cummianus; and we may suppose Ecgberht to have adopted these passages from him.

given from a charter of Eádgár. Mr. Thorpe's explanation of Stacung is as follows:—

"*Stácung*, a sticking. The practice of sticking pins or needles into a waxen image of the person against whom the witchcraft was directed, consisted probably at first in sticking them actually into the body of the individual, 'gif hwá drífe stácan on énigne man;' but as this process was no doubt sometimes attended with inconvenience and danger to the operator, the easier and safer method was devised of substituting a waxen proxy, instead of the true man. This practice was known under the name of *defixio*, 'quod eiusmodi incantores acus subinde *defigerent* in imagines cereas, iis locis quibus viros ipsos pungere decreverant, qui puncturas ipsas, ac si ipsi pungerentur persentiebant.' Du Cange. To it Ovid alludes:

'Devovit absentes, simulacraque cerea fingit,
Et miserum tenues in iecur urget acus.'"

Ecgberht thus continues respecting philtres and other magical practices:—

"Gif hwá wiccige ymbe éniges mannes lufe, ȝ him on æte sylle oððe on drince, oððe on éniges cynnes gealdorcræftum, ðæt hyra lufu forðon ðe máre beón scyle," etc.[1]

"Gif hwá hlytas oððe hwatunga begá, oððe his wæccan æt énigum wylle hæbbe, oððe æt énigre óðre gesceafte bútan æt Godes cyricean, fæste he .iii. gear," etc.

"Wífman beó ðæs ylcan wyrðe, gif heó tilað hire cilde mid énigum wiccecræfte, oððe æt wega gelæton ðurh ða eorðan tihð: eala ðæt is mycel hæðenscipe."

The Canons enacted under Eádgár give the following full details of popular heathendom[2]:—

"And we enjoin, that every priest zealously promote Christianity,

[1] Repeated in nearly the same words in the 'Modus imponendi poenitentiam,' § 39. Thorpe, ii, 274.

[2] Thorpe, ii. 249. "And we lærað ðæt preosta gehwilc cristendóm geornlíce árære, ȝ ælcne hæðendóm mid ealle ádwæsce, ȝ forbeóde wilweorðunga ȝ

and totally extinguish every heathenism; and forbid well-worshipings, and necromancies, and divinations, and enchantments, and man-worshipings, and the vain practices which are carried on with various spells, and with 'frithsplots,' and with elders, and also with various other trees, and with stones, and with many various delusions, with which men do much of what they should not."

Many of these heathen practices still continue to subsist, at least in the memory and traditions of the peasantry in remote parts of England. Devonshire, for example, still offers an unexhausted field for the collector both of popular superstitions and popular tales, counterparts of which are current in Germany. The Anglo-saxon herbals furnish various evidences of heathendom connected with plants, but I pass over these in order to give one or two detailed Saxon spells, which are of the utmost value, as bearing unmistakeable marks of Anglosaxon paganism. The following spells are taken from a MS. in the Harleian collection, No. 585.

1. "Wið Cyrnel. Neogone wǽran Noðþæs sweoster, þá wurdon ða nygone tó viii. ⁊ þa viii. tó vii. ⁊ þa vii. tó vi. ⁊ þa vi. tó v. ⁊ þa v. tó iiii. ⁊ þa iiii. tó iii. ⁊ þa iii. tó ii. ⁊ þa ii. tó i. ⁊ þa i. tó nánum. þis þe libbe cyrnneles ⁊ scrofelles ⁊ weormes ⁊ ǽghwylces yfeles. Sing benedicite nygon síþum[1]."

2. "Se wífman se hire cild áfédan ne mæg, gange tó gewitenes mannes birgenne ⁊ stæppe ðonne þriwa ofer ða byrgenne, ⁊ cweðe ðonne þriwa ðás word: Ðis me tó bóte ðǽre láðan lætbyrde: Ðis

lícwiglunga ⁊ hwata ⁊ galdra ⁊ manweorðunga ⁊ ða gemearh ðe man dríf̃ð on mislícum gewiglungum, ⁊ on fríðsplottum, ⁊ on ellenum, ⁊ eác on óðrum mislícum treówum, ⁊ on stánum, ⁊ on manegum mislícum gedwimerum ðe mon ondreógað fela ðæs ðe hí ná ne scoldon."

A various reading adds:—"treówwurðunga ⁊ stánwurðunga ⁊ ðone deófles cræft ðæ'r man ða cild þurh ða eorðan tihð, ⁊ ða gemear ðe man drihð on geares niht:"—"tree-worshipings and stone-worshipings, and that devil's craft, whereby children are drawn through the earth, and the vain practices which are carried on on the night of the year." The *fríðsplot* was a patch or plot of ground sanctified, *gefríðod*, by some heathen ceremony, a kind of *Taboo*.

[1] MS. Harl. 585. fol. 193.

me tó bóte ðære swæran swærtbyrde: Ðis me tó bóte ðære láðan lambyrde. And ðonne ðæt wíf seó mid bearne, ⁊ heó tó hire hláforde on reste gá, ðonne cweðe heó:

"Up ic gonge,
ofer ðe stæppe,
mid cwican cilde,
nalæs mid cwellendum,
mid fulborenum,
nalæs mid fégan.

And ðonne seó moder geféle ðæt ðæt bearn sí cwic, gá ðonne tó cyrican, ⁊ ðonne heó tóforan ðán weofode cume, cweðe ðonne,

"Criste ic sæde
ðis gecýðed."

3. "Se wífman se hyre bearn áfédan ne mæge, genime heó sylf hyre ágenes cildes gebyrgenne dæl, þrý æfter ðon or bláce wulle, ⁊ bebicge tó cépemannum, ⁊ cweðe ðonne:

"Ic hit bebicge
ge hit bebicgan,
ðás sweartan wulle
and ðisse sorge corn."

4. "Se [wíf]man seðe [ne] mæge bearn áfédan, nime ðonne ánes bleós cúmeoluc on hyre handa, ⁊ gesúpe ðonne mid hyre múðe, ⁊ gange ðonne tó yrnendum wætere, ⁊ spíwe ðærin ða meolc, ⁊ hláde ðonne mid ðære ylcan hand ðæs wæteres múðfulne ⁊ forswelge. Cweðe ðonne ðás word: Gehwér ferde ic me ðone mæran magaþihtan, mid ðysse mæran meteþihtan, ðone ic me wille habban ⁊ hám gán. Ðonne heó tó ðán bróce gá, ðonne beseó heó nó, né eft ðonne heó ðanan gá, ⁊ ðonne gá heó in óðer hús óðer heó út ofeóde, ⁊ ðær gebyrge metes[1]."

5. "Wið hors-oman ⁊ mannes, sing ðis þriwa nygan síðan on æfen ⁊ on morgen, on ðæs mannes heáfod úfan, ⁊ horse on ðæt

[1] MS. Harl. 585. fol. 196. 196 b.

wynstre eáre, on yrnendum wætere, ⁊ wend ðæt heáfod ongean streám. In domo mamosin. in chorna mesti. stimi mesti. quod dealde otuustiua el marethin. Crux mihi vita. ē. tibi mors inimici. alfa et o initium et finis, dicit dominus[1]."

6. "Wið oman. Genim áne gréne gyrde, ⁊ læt sittan ðone man on middan húses flóre, ⁊ bestric hine ymbútan, ⁊ cweð: Opars et orelli Apars et pars iniopia. ē. alfa et o. ïitium[2]."

7. "Gif wænnas eglian mæn æt ðære heortan, gange mædenman tó wylle ðe riht eást yrne, ⁊ gehlade áne cuppan fulle forð mid ðám streáme, ⁊ singe ðæron Credo ⁊ Paternoster, ⁊ geóte ðonne on óðer fæt, ⁊ hlade eft óðre, ⁊ singe eft Credo ⁊ Paternoster, ⁊ dó swá ðæt ðú hæbbe þreo. Do swá nygon dagas: sona him bið sel[3]."

8. "Wið færstice, Feferfuige, and scó reáde netele, ðe ðurh ærn inwyxð, and wegbræde: wylle in buteran.

"Hlúde wæron hy lá hlúde
ðá hy ofer ðone hlæw ridon;
wæron anmóde, ðá hy
ofer land ridon.
Scyld ðú ðe, nú ðú ðisne níð
genesan móte.
Ut lytel spere,
gif her inne síe!
Stód under linde,
under leóhtum scylde,
ðær ða mihtigan wíf
hyra mægen berǽddon,
and hy gyllende
gáras sendon:
ic him óðerne
eft wille sendan,
fleógende flán

[1] MS. Harl. No. 585. fol. 197. [2] Ibid. fol. 197. [3] Ibid. fol. 200.

forane tó geanes.
Ut lytel spere,
gif hit her inne sý!
Sæt smið, slóh seax lytel,
íserna wund swíðe.
Ut lytel spere,
gif her inne sý!
Syx smiðas sæton,
wælspera worhton;
út spere, næs inspere,
gif her inne sý
ísenes dæl,
hægtessan geweorc,
hit sceal gemyltan:
gif ðú wære on fell scoten,
oððe wære on flæsc scoten,
oððe wære on blód scoten,
oððe wære on lið scoten,
næfre ne sý ðín lif átæsed;
gif hit wære ésagescot,
oððe hit wære ylfa gescot,
oððe hit wære hægtessan gescot;
nú ic wille ðín helpan!
Ðis ðe tó bóte ésa gescotes,
ðis ðe tó bóte ylfa gescotes,
ðis ðe tó bóte hægtessan gescotes!
Ic ðín wille helpan.
Fleó ðaér on fyrgen!
heáfde hál westú!
Helpe ðín drihten!
Nim ðonne ðæt seax, áddó on wætere."

9. "Her is seó bót, hú ðú meaht ðíne æceras bútan, gif hí nellað wel wexan, oððe ðaér hwilc ungedéfe þing ongedón bið, on dry on ðe on libláce.

"Genim ðonne on niht, aér hit dagige, feower tyrf on feower healfa ðæs landes, and gemearca hú hí aér stódon. Nim ðonne

ele and hunig and beorman, and ælces feos meolc, ðe on ðǽm lande sí, and ælces treówcynnes dæl, ðe on ðǽm lande sí gewexen, bútan heardan beáman, and ælcre namcúðre wyrte dæl, bútan glappan ánon: and dó ðonne hálig wæter ðǽron, and drype ðonne þriwa on ðone staðol ðára turfa, and cweðe ðonne ðás word; *Crescite*, waxe, *et multiplicamini*, and gemænigfealde, *et replete*, and gefylle, *terre*, ðás eorðan, *in nomine patris et filii et spiritus sancti, sit benedicti*; and *pater noster*, swá oft swá ðæt óðer: and bere siððan ða turf tó cyrcean, and mæssepreost ásinge feower mæssan ofer ðán turfon, and wende man ðæt gréne tó ðám weofode; and siððan gebringe man ða turf ðǽr hí ǽr wǽron, ǽr sunnan setlgange; and hæbbe him geworht of cwicbeáme feower Cristes mælo, and áwríte on ælcon ende Matheus and Marcus, Lucas and Johannes. Lege ðæt Cristes mǽl on ðone pyt neoðeweardne; cweðe ðonne: *Crux Mattheus, Crux Marcus, Crux Lucas, Crux Scs Johannes.* Nim ðonne ða turf and sette ðǽr ufon on, and cweðe ðonne nigon síðon ðás word, *Crescite*, and swá oft *Pater noster*; and wende ðe ðonne eástweard, and onlút nigon síðon eádmódlíce, and cweð ðonne ðás word:

" eástweard ic stande,
árena ic me bidde:
bidde ic ðone mǽran dñe,
bidde ðone miclan drihten,
bidde ic ðone háligan
heofonríces weard:
eorðan ic bidde
and upheofon,
and ða sóðan
sancta Marian,
and heofones meaht
and heáhreced,
ðæt ic móte ðis gealdor,
mid gife drihtnes,
tóðum ontýnan,
ðurh trumne geþanc,

áweccan ðás wæstmas ús
tó woruldnytte,
gefylle ðás foldan
mid fæste geleáfan,
wlitigigan ðás wangcturf;
swá se wítega cwæð,
ðæt se hæfde áre on eorðan
se ðe ælmyssan
dǽlde dómlícc,
drihtnes þances.

"Wende ðe ðonne þriwa sunganges, ástreece [ðe] ðonne on andlang, and árim ðǽr *Letanias*, and cweð ðonne, *Sanctus, sanctus, sanctus*, oð ende. Sing ðonne *Benedicite* ápenedon earmon, and *Magnificat*, and *Pater noster*, iii, and bebeód hit Criste and sancta Marian, and ðǽre hálgan róde, tó lofe and tó weorðinga, and ðám [tó] áre ðe ðæt land áge, and eallon ðám ðe him underþeódde synt.

"Ðonne ðæt eall síe gedón, ðonne nime man uncúð sæd æt ælmesmannum, and gegaderie ealle his sulhgeteógo tógædere: borige ðonne on ðám beáme stór and finol and gehálgode sápan, and gehálgod sealt. Nim ðonne ðæt sæd, sete on ðæs sules bodig. Cweð ðonne:

"Erce, Erce, Erce,
eorðan módor,
geunne ðe se alwealda
éce drihten,
æcera wexendra
and wridendra
eácniendra
and cliendra:
sceafta hen
se scíre wæstma,
and ðǽre brádan
bere wæstma,

and ðære hwítan
hwæte wæstma,
and ealra
eorðan wæstma,
Geunne him
ece drihten,
and his hálige ðe
on heofenum sint,
ðæt ðis yrð sí gefriðod wið ealra
feónda gehwæne,
and heó sí geborgen wið ealra
bealwa gehuylc,
ðára lybláca
geond land sáwen.
Nú ic bidde ðone waldend
seðe ðás weoruld gesceóp,
ðæt ne sí nán tó ðæs cwidol wíf,
né tó ðæs cræftig mân,
ðæt áwendan ne mæge
worud ðús gecwedene.

"Ðonne man ða sulh forðdrífe and ða forman furh onsceóte, cweð ðonne:

"Hál wes ðú, Folde,
fira módor!
beó ðú grówende
on Godes fæðme,
fódre gefylled,
firum tó nytte!

"Nim ðonne ælces cynnes melo, and ábace man innewerdne handa brádne hláf, and gecned hine mid meolce and mid háligwætere, and lecge under ða forman furh. Cweðe ðonne:

"Ful æcer fódres
fira cinne
beorht blówende,
ðú geblétsod weorð

ðæs háligan noman
ðe ðás heofon gesceóp,
and ðás eorðan
ðe we on lifiað.
Se god se ðás grundas geworhte,
geunne ús grówende gife,
ðæt ús corna gehwylc
cume tó nytte.

"Cweð ðonne þriwa *Crescite in nomine Patris sit benedicti. Amen*: and *Pater noster* þriwa."

END OF THE FIRST VOLUME.

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